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AN EPITOME
OF
NIEBUHR'S HISTORY OF ROME.

AN EPITOME
OF
NIEBUHR'S HISTORY OF ROME,

WITH CHRONOLOGICAL TABLES
AND AN APPENDIX.

BY TRAVERS TWISS, B. C. L.

FELLOW OF UNIVERSITY COLLEGE,
OXFORD.

PART II.

. . . . ὅ τ' ἐξελέγχων μόνος
'Αλάθειαν ἐτήτυμον
Χρόνος. Τὸ δὲ σαφανὲς ἰὼν πόρῳ
Κατέφρασεν. Pindar. Olymp. 10.



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P R E F A C E.

THE third volume of the History of Rome, to the future publication of which Niebuhr alludes in his preface to the second, and which he had intended to complete "after a short interval of rest," has not been transmitted to us in the perfection of the original design. Before the final revision could take place, the author was no more, and the hand, the last touches of which were still wanting to give full life to the work, was itself at rest for ever. For those, however, who love to look into the mirror of the past, and to trace the working of the political and social as well as of the moral laws of this world, whose delight it may have been to accompany Niebuhr in his researches into the dark and mysterious period of Roman history, and not to start away and leave him whenever he has led them forth into the light, it must doubtless have been a consolation, though a painful one, to know, that though the eye which had pierced through the mist was now quenched in slumber, it had surveyed the path for some distance in advance, and had noted down its observations for their guidance. These observations have been carefully perused by

men well qualified for the task, both by their friendly feelings for the dead, and by their own eminent acquirements, and the result of their labours has been laid before the public in 1832, in the form of a third volume, with which the names of Classen, Twisten, and Savigny must always be connected.

The whole, however, of this third volume is not of one uniform character, though it is throughout the work of Niebuhr, and the production of his pen; but it was executed by him at three different periods of his life. The first portion, which reaches down to the conclusion of the chapter on the Publilian laws, was comprehended within the limits of the original second volume, and consequently was almost entirely revised by the author a short time before his death, and may be considered as representing his views to the last moment. The second portion, which terminates with the chapter containing the domestic history up to the first Punic war, was written in the winter of 1824, at Bonn, soon after Niebuhr's return from Italy. He had not at that time adopted the resolution of remodelling his two former volumes, and he wrote rejoicing in the task of portraying the brightest and happiest period of Rome's history. The third portion, comprised in the last chapter on the first Punic war, was composed in 1811, and formed part of a manuscript designed for the continuation of a course of lectures on Roman history in the University of Berlin. The remainder of the manuscript related to the antecedent history, after the subjugation of Latium. There is a slight chasm in this third portion, as the history terminates with the occupation of Mount Hercte by Hamilcar, and we have only the

heads of the intended narrative of the remaining years of the war. The chasm, however, has been filled up in this epitome with the narrative which extends from page 239 to page 241: but the conclusion of the chapter is epitomised from Niebuhr's own text. The chapter also on the political rights of the Italian allies is unfortunately broken off at a most interesting moment: the reader, however, will find in the *Philological Museum*, a valuable disquisition on the origin and growth of the *Latini* and on the *Jus Italicum*, from the German of Savigny. I may also refer the reader to the same work, for an excellent notice on the present volume of Niebuhr's history from the pen of one of the able translators of the two former volumes. It is to be hoped that they will soon afford to the English reader an opportunity of accompanying Niebuhr step by step "through the remaining stages of his career."

The chronology adopted throughout this part is that of Fabius, as in the preceding portion of the history, and the years of Cato are generally placed within a parenthesis. The difference between these two calculations amounts to five years till the eleventh of the second Samnite war, U. C. 439, when apparently an entire official year has been interpolated in the *Fasti*, and we have henceforward a variation of six years between the two systems. The full explanation of this is one of the points where we have to regret the absence of the last touches of the master's hand.

It may be observed with reference to the present part, that the dissertations no longer occupy a disproportionate space when compared with the narrative,

which has been considered by some persons to be an objectionable feature of the former volumes. There are, however, not so many difficulties in this period, which require abstruse investigation, and the materials are no longer of the same scanty and fragmentary character, as in the earlier history, so that Niebuhr has been enabled to indulge more in the eloquence of narration than heretofore, and to display the graphic as well as the critical powers of his pen. We may consider him to have given us a slight earnest of what might have been expected from him had he been allowed to attain the great end of his wishes, and to meet the modern political historians of Rome, such as Montesquieu and Machiavelli, on their own ground.

UNIVERSITY COLLEGE, OXFORD,

MAY 13, 1837.

CHRONOLOGICAL TABLES.

OL.	U. C.	B. C.	ROMAN CHRONOLOGY.
104.2	384	362	The Licinian Rogations carried. The institution of the <i>Prætor Urbanus</i> , and the <i>Curule Ediles</i> .
	387	359	Dictatorship of L. Manlius.
	388	358	War with the Hernicans. Victory of Manlius Torquatus.
	389	357	Gauls defeated near Rome.
	391	355	Tiburtine war. Gauls defeated near Pedum.
	392	354	Hernicans subjugated.
106.3	393	353	C. Licinius Stolo condemned according to his own law. <i>Uncial interest</i> established.
	394	352	Victory over the Etruscans near the Salinæ.
	395	351	The patricians usurp both places of the consulship.
107.2	396	350	League with Samnium.
	397	349	Two new tribes enrolled.
108.3	401	345	L. Camillus checks finally the inroads of the Gauls. Appearance of a Greek fleet off the coast of Latium.
	402	344	Treaty with Carthage. Satricum destroyed.
109.1	403	343	<i>Quinqueriri Mensarii</i> for the liquidation of debts. Descent of Archidamus in Italy.
	405	341	Sora taken from the Auruncians.
	407	339	Capua surrenders itself to Rome. Victory over the Samnites on Mount Gaurus.
	408	338	Insurrection of the army at Capua. Samnium now subjugated.
	409	337	War with the Volscians.
110.4	410	336	War with the Latins. The Latins defeated. Decius devotes himself.
111.1	411	335	<i>Publilian laws</i> .
	412	334	Conquest of Latium completed.
112.4	418	328	<i>First plebeian prætor</i> , Q. Publilius Philo. Treaty between Rome and Alexander of Epirus. His death. Peace concluded with the Gauls.
	423	323	Fregellæ colonized on the Via Latina. Advance of the Roman troops into Samnium.
	425	321	A Roman army advances into Apulia.
115.2	428	318	The Romans capitulate at the <i>Furculæ Caudinæ</i> .
116.1	431	315	Ufentine tribe established. Præfects sent to Capua.
	434	312	The fortune of the Samnites turns.

O.L.	B. C.	CONTEMPORARY EVENTS.
	362	Battle of Mantinea.
	359	Accession of Philip of Macedon.
	357	Social war in Greece. Phocian war.
105.4	356	Expulsion of Dionysius II. from Syracuse by Dion. Birth of Alexander the Great.
	350	Battle of Tamynæ.
107.3	349	The Olynthian war commences.
109.1	343	Dionysius expelled from Syracuse again by Timoleon.
110.2	338	Battle of Chæroneæ.
110.4	336	Philip of Macedon assassinated.
	335	Thebes destroyed by Alexander.
	334	Battle of the Granicus.
	333	Battle of Issus.
111.4	332	Foundation of Alexandria.
	331	Battle of Arbela.
114.1	323	Death of Alexander.
	322	Death of Demosthenes and Aristotle.
	318	Death of Antipater.
115.3	317	Agathocles tyrant of Syracuse. Birth of Pyrrhus.
	315	Flight of Olympias from Macedonia.
116.4	312	<i>Era of the Seleucidæ</i> commences.

OL.	U. C.	B. C.	ROMAN CHRONOLOGY.
117.1	435	311	<i>Patelian</i> law of debt. Conspiracy at Capua.
117.2	436	310	Appius, as censor, enrolls the <i>Libertini</i> in the tribes. Colonies in the Pontian islands. Duumviri for the command of the fleet.
	438	308	Papirius Cursor, as dictator, defeats the Samnites.
	439	307	Defeat of the Etruscans.
	440	306	Revolt of the Hernicans. Divorce known at Rome.
	441	305	Victories over the Hernicans and Samnites.
119.1	443	303	Submission of the Samnites. Censorship of Fabius and Decius.
	444	302	Colony sent to Alba on the Fucine lake.
	445	301	Peace concluded between Rome and Tarentum. Cleonymus ravages Messapia.
119.4	446	300	<i>Ogurnian</i> law. Renewal of the Valerian law. <i>Lex Furia de Testamentis</i> .
	447	299	Narnia taken by the Romans. Inroad of the Gauls.
	448	298	Third Samnite war. Fines for transgressing the Licinian Agrarian law.
	449	297	The Terentina and Aniensis tribes. The <i>primo vocatæ</i> centuries at the election of consuls. Campaign of Fabius against the Samnites.
	450	296	Gellius Egnatius advances into Etruria, and is defeated by the Roman consuls.
121.1	451	295	Battle of <i>Sentinum</i> against the Gauls. Gellius Egnatius slain. The she-wolf erected in the Capitol.
	452	294	Triumph over the Samnites and Etruscans.
	453	293	The <i>legio linteata</i> of the Samnites. Papirius defeats them. Æsculapius brought from Epidaurus. A sun-dial set up in Rome. Census, 262,000. (Livy's history breaks off.)
	454	292	Fabius Gurges suffers a reverse, but ultimately defeats the Samnites, and captures C. Pontius. The <i>tresviri Capiteles</i> .
	455	291	Colony at Venusia.
	456	290	The Sabines revolt and are subjugated.
122.4	458	288	The <i>Hortensian</i> and <i>Mænian</i> laws about this time.
	464	282	War with the Boians. Submission of the Etruscans.
			The Romans succour Thurii.

OL.	B. C.	CONTEMPORARY EVENTS.
	310	Agathocles lands in Africa.
	307	Demetrius at Athens.
	305	Pyrrhus restored to the throne of his ancestors.
	301	Battle of Ipsus. Hieronymus of Cardia, the historian of Pyrrhus.
119.4	300	Cassander makes war on Pyrrhus and expels him.
	299	Lachares tyrant of Athens.
	296	Death of Cassander. Demetrius Phalereus withdraws to Egypt.
121.1	295	True commencement of the reign of Pyrrhus.
122.3	289	Death of Agathocles.
	287	Pyrrhus expels Demetrius from Macedon.
	286	He is himself expelled by Lysimachus.
124.1	283	Ptolemy Philadelphus succeeds his father Soter.

OL.	U. C.	B. C.	ROMAN CHRONOLOGY.
124.3	465	281	Ambassadors from Tarentum at the court of Pyrrhus.
	466	280	First campaign of Pyrrhus. His victory on the Siris. Mission of Cineas to Rome. Census, 287,000.
	467	279	Battle of Asculum. Treaty between Rome and Carthage.
125.2	468	278	Negotiations opened afresh between Pyrrhus and the Romans. Pyrrhus embarks for Sicily.
	469	277	Campaign of the Romans in Samnium.
125.4	470	276	Pyrrhus returns to Italy—he plunders the temple of Juno at Locri.
	471	275	Pyrrhus is defeated at Beneventum by Curius. He returns to Epirus.
126.3	473	273	Colonies at Cossa and Pæstum. Embassy from Ptolemy Philadelphus.
	474	272	The Romans subdue the Lucanians and Bruttians.
	475	271	Tarentum surrenders. The <i>Aqua Aniensis</i> constructed.
	476	270	Rhegium captured by the Romans. Severe winter at Rome.
127.3	477	269	A <i>silver currency</i> established at Rome.
	478	268	Revolt of the Samnites checked. Colonies at Beneventum and Ariminum. Earthquake in Picenum.
	479	267	Revolt of the Picentes. <i>Questors</i> increased to <i>eight</i> . Commissioners of the mint. <i>Decemviri litium</i> .
128.2	480	266	Union of Italy. Embassy of the Appolloniats at Rome.
	481	265	Expedition of the Romans to Volsinii. Pestilence.
128.4	482	264	Census, 292,000. Pestilence. Alliance with the Mamertines of Messana. Romans cross over into Sicily.
			First exhibition of Gladiators at Rome.
	483	263	Syracuse surrenders to the Romans. Treaty with Hiero.
	484	262	Siege of Agrigentum, and surrender to the Romans. Colony at Æsernia.
129.4	485	261	The Romans build and equip a fleet.
	486	260	<i>Naval victory of Duilius</i> over the Carthaginians near Mylæ.
	487	259	Expedition of the Romans to Sardinia and Corsica.

OL.	U. C.	B. C.	ROMAN CHRONOLOGY.
	488	258	Roman army in great danger near Camarina. Camarina and Gela taken by the Romans.
	489	257	Naval victory of the Romans near Tyndaris.
130.4	490	256	Landing of the Romans in Africa.
	491	255	Success of Regulus.
	492	254	Regulus defeated and taken prisoner by Xanthippus.
			Shipwreck of the Roman fleet off Camarina.
	493	253	Shipwreck of the Roman fleet off Palinurus.
	494	252	Lipara surrenders to the Romans.
	495	251	The Romans defeat the Carthaginians near Panormus. <i>Death of Regulus.</i>
	496	250	Siege of Lilybæum.
132.3	497	249	<i>Defeat of Claudius Pulcher</i> near Drepana. The Romans occupy Mount Eryx.
133.1	499	247	Hamilcar Barca occupies Mount Hercte.
	500	246	Census, 251,222.
	501	245	Hamilcar establishes himself on Mount Eryx.
	503	241	The Romans re-equip a fleet.
134.2	505	242	<i>Lutatius Catulus</i> defeats the Carthaginians. near the <i>Ægates Insulæ</i> . <i>Prætor Peregrinus.</i>
			Peace concluded.
	506	240	Q. Lutatius regulates the <i>province</i> of Sicily.

O. L.	B. C.	CONTEMPORARY EVENTS.
	252	Birth of Philopœmen.
	251	Aratus delivers Sicyon.
	250	Arsaces founds the Persian monarchy.
133.1	247	Birth of Hannibal. Ptolemy Evergetes.
	243	Aratus delivers Corinth.

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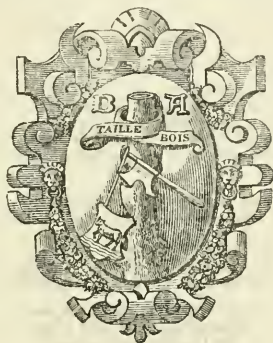
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THE HISTORY OF ROME.

CHAP. XLI.

THE LICINIAN ROGATIONS.

OF C. Licinius Stolo and L. Sextius themselves, the authors of the regeneration of Rome, we know little more than their names, and but imperfectly the contents of their laws. But the greatness and boldness of their legislative enterprise, the indefatigable and calm perseverance, with which strictly confining themselves to the legal course of proceeding they achieved the completion of their design, without the imputation of the slightest violence, though the annals were still for a long time written exclusively by the hostile party, all this furnishes us with the means of measuring their spirit and character. A revolution, which in a Grecian republic would have been undertaken with violence, and whether successful or frustrated, would have been in a few months sealed with exile and blood, was here accomplished, after five continuous years of manly struggles, without the peace of a single citizen having suffered by it.

With that usual despicable malice, with which the enemies of the memory of great men and great deeds set up reasons against the nobleness of their object, a malice, the germs of which are rooted in the meanest part of human nature, the propensity to depreciate; the vanquished party have assigned the most miserable womanish vanity as the reason for the undertaking of C. Licinius :

and the vile story has so closely nestled itself in history, that even Perizonius did not question its literal truth. Beaufort was the first to expose the falsehood, which is now so evident that none would venture to doubt of it.

M. Fabius Ambustus, consular tribune in the year 374, had two daughters, one of whom was married to S. Sulpicius, consular tribune for the year 378, and the other to the plebeian, C. Licinius Stolo. It was narrated that the younger Fabia, when on a visit at the house of her sister, was startled by the noise with which the lictor announced the return of Sulpicius from the forum, and was laughed at by her for an alarm, which betrayed the low rank of him on whom she had bestowed her hand. Her offended pride stimulated her to persuade her husband, and even her father, not to rest until the same honours adorned her house likewise. But how could Fabia have been surprised at what must have already been familiar to her, whilst still in the house of her father, who four years before had filled the consular tribunate? And had the object been merely to obtain the same honour for her husband, it could scarcely have been refused to the son-in-law of Ambustus after the persons who had filled the office in both the preceding years. The Licinian family already numbered the images of three ancestors; one of whom, C. Licinius Calvus, had been consular tribune in the year 377, and was subsequently master of the horse when Stolo was tribune of the plebeians. As far as the attainment of the consulate was concerned, the wishes of a vain woman could not have extended to this, as under far more favourable circumstances the plebeians had been completely frustrated in their attempts to gain admission into it.

C. Licinius Stolo was undoubtedly the descendant of the C. Licinius, who was amongst the earliest tribunes of the people 120 years before; his family was one of the most respectable and most wealthy at

Rome. From the fact that the laws bore his name, and that tradition pointed him out as the person who had borne the brunt of the contest, we may safely reckon Licinius to have been the soul of the undertaking, though his partner, L. Sextius, bore away from him the reward of it. Their legislation satisfied completely the wants of the republic. Upon the old foundations of the constitution, without disturbing customs and precedents, they effected by a single enactment an arrangement which completely abolished the arbitrary power and preponderance of the ruling party, and secured as well as imparted to the people its freedom. A second law deprived the oligarchy of the exclusive enjoyment of the public property, and transformed it into a general source of welfare to the citizens; a third law sought to alleviate the existing distress, and blot out the consequences of previous severities. At the beginning their proposals appeared to be an idle scheme, which barely admitted of the possibility of success, but might very easily bring the authors of it to destruction, nor were they at first listened to with much favour, as motives of private interest or alarm at the threats of those in power disposed many to declare themselves against them. But it might be calculated that with every re-election the prospect would grow brighter; the indifferent would become aroused to the possibility of the measures being accomplished; the timorous would gain courage from the accession of the indifferent; and at last the dependent and oppressed would take courage to provoke the displeasure of their creditors, animated by the promise of certain protection from the tribunes.

The separation of Latium, the Hernicans, and the Volscians from Rome, was a most fortunate circumstance, as the ruling party had now neither a subject province which they could call out on service, nor confederates whom they could lead in arms against the commons. But without such help the patricians could

not hold out the threat of a civil war, as their clients, from mixing with the plebeians, had ceased to be a blind and ready tool.

The first Licinian bill ordained that henceforward not military tribunes, but consuls, should be elected from the houses and the commons. One must, under any circumstances, be elected from the latter. This regulation was necessary, to prevent the annual recurrence of attempts on the part of the patricians to frustrate the exercise of the acknowledged right of the plebeians. The objection which Livy brings against the tribune, on this point, is plausible and striking. "If, under circumstances of the most pressing danger to the state, the greatest man of his age, the patrician Camillus, was to be a candidate for the consulship, with other worthy patricians, and a single worthless plebeian demagogue, would it not be unreasonable that he should be uncertain of his election, and probably miss it, whilst the plebeian might securely await it at his leisure?"

The historian should not have brought forward such an objection without a reply to it, as the reader might therefore suppose it to be irrefutable. He ought to have supplied Licinius with this answer. "That if only those who had been long tried in war were permitted to be candidates for the consulship, a plebeian competitor might be brought forward in no respect inferior to the patrician; that a plebeian might equally become the hero of his age, unless the enlivening sunshine of unfettered supremacy was withheld from him: that the limitation was rendered necessary by the incorrigible faithlessness of the patricians: that when once the old spirit of party had become merged in a feeling of general patriotism, if trying days of misfortune arrived, their descendants might relax for a time the restrictions of the law. But whence these gloomy apprehensions of plebeian incapacity? Surely not from experience: for on occasions when the patricians had failed in excluding the plebeians from the com-

mand of the army, plebeian consular tribunes had been victorious on the identical ground which had become mournful from the guilty defeat of their patrician predecessors. How could that commonalty, which the wisdom of their ancestors had adopted into the Roman state in order to expand a body of citizens into a great nation, be united by affection to their father-land, if all honours were denied to their equestrian order? When already patrician houses had become extinct, when the renewal of the first order by pure noble families was prevented, and adopted freedmen already adulterated the stock of the nation? Experience had shown, that oligarchies became extinct in intellectual power as quickly as in numbers, and that as had happened so frequently in Grecian republics, a half extinct oligarchy, daily becoming more tyrannical, is always at last extirpated by a bloody democracy or a tyrant. Probably such a revolution would not be far distant, unless the state, released from the present unnatural state of things, should be restored to life, and to the prospects of future greatness, now rapidly passing away."

All this Licinius might have said, without possessing the spirit of prophecy; for the subsequent history showed, that amidst endless blessings, not a single disadvantage arose out of this law. The Decii were plebeians: plebeians first checked Pyrrhus, then conquered him: a plebeian subdued the Gauls of Italy: the same stopped the victorious career of Hannibal: a plebeian extirpated the Cimbri and the Teutones: a plebeian consul saved Rome from the conspiracy of Catiline: the Catos, the Gracchi, and Brutus were plebeians. The images of the noblest families of the patricians stood peaceably by the side of those of the great plebeians: and to counteract the gradual degeneracy, which the possession of excessive power and wealth naturally produced, the municipia continually recruited the nation with fresh plebeian families. The deep corruption of the patricians was clearly shown by the

conspiracy of Catiline, the leaders of which were all patricians, and which was marked by the terrible name of “ the patrician crime.”

The second rogation contained the Licinian agrarian law. That this did not relate to property, but to the *ager publicus*, *possessions* in which it limited to 500 jugers, has been denied by those, who could not dissemble that the Sempronian law, which beyond all doubt related to these landed possessions heretofore so obscure, was only a renewal of the Licinian law in a milder form. The object of it, however, is sufficiently marked out by Livy, in his selection of the word *possess*. The main features of the bill may be recognised in what prevailed afterwards legally. The public land of the Roman people was to be marked out with boundaries: real estates, which private persons had usurped, were to be reclaimed in the name of the state: those, the property of which was doubtful, were to be sold, in order that the right to them might be settled. Every *possession*, which did not exceed the limit fixed by this bill, and had not been acquired by violence, or surreptitiously, or on trust, was to be secured against all third persons. Every citizen was to be entitled to *possess* newly conquered land, if yet unoccupied, provided he did not exceed the measure of the law. No one was to *possess* more than 500 jugers of ploughland and woodland, nor graze on the public pastures more than 100 head of great, and 500 of small cattle. The transgressors of the law were to be liable to a fine, and the forfeiture of the land. The *possessors* were to pay to the republic the tenth bushel from ploughland, and the fifth of the produce from plantations and vineyards. An annual payment was to be made for each head of grazing cattle. The censors were to sell, each time for a lustre, to the highest bidder, the annual tribute reserved from the common land. The contractors were to give security to the state for the fulfilment of their engagements; they were

to make an agreement with the possessors respecting the demands which they were entitled by the state to make. No cattle were to be driven on the public pastures, without the previous payment of head-money. The possessors were to employ a fixed number of freemen in agricultural labour, in proportion to the extent of their possessions. Such were the permanent regulations of the bill. The following was a special arrangement: all that individuals *possessed* at present, of the public land, over and above 500 acres of ploughland and plantations, was to be assigned to the plebeians, in lots of seven jugers. The execution of the bill was to be vested in triumvirs: both orders were to swear to it as a perpetual covenant.

For those, to whom the relations of the Roman public land have been developed in their proper place, a justification of the Licinian agrarian law is needless. Its equity has been disputed both in earlier and in later times. Had, however, a patrician appealed to ancient exclusive pretensions, the tribune might have replied, that the plebeian order ever since its formation had possessed an original right to assignments of land, as fighting the battles of the republic; that the foundations of the state should rest upon a numerous body of small proprietors, whilst the great possessions of noble families should be its ornaments. It is to be lamented that Tiberius Gracchus, in seeking to heal an evil deeply rankling in the vitals of the degenerate state, should have substituted a change, the results of which were still worse than the oligarchy which he overthrew; but it cannot be dissembled, that the constitution would never have become so degenerate, that Rome would never have been divided into a thousand petty provinces, if the Licinian law had been observed.

The third Licinian rogation ordained, that from the capital of all debts the amount of interest hitherto paid should be subtracted, and the remainder discharged in equal portions within the space of three

years. Our judgment of this bill must not be formed upon views familiar to ourselves, but from a knowledge of the feelings of the age. Antiquity hated and condemned usury, and from frequent examples the opinion seems well founded, that the state was often obliged to interfere in the relations of debtor and creditor. Yet the author of such a bill was only then fully justified when he himself suffered by his own decree. That Licinius sacrificed himself, like Solon, is not credible of him, whom avarice seduced to violate his own law; but that he was guilty of such delinquencies as the friends of Solon and Cleomenes, is certainly not conceivable of him whom the Roman people chose for its advocate. When the most venial transgressions are so frequently reported, the weightier offence would not have been passed over in silence.

In a modern state every encroachment on the law of debt robs not merely those who can bear the loss, but the widow and the orphan. This, however, was not the case at Rome. The debts which the Licinian law regarded were but a small part of what constitutes the mass of debts amongst us: they altogether resembled bill-debts, and their amount was increased by usury, to which only a superstition of legality could extend a formal support. The Licinian law secured the personal liberty of the debtor, and preserved to the republic citizens, who otherwise would have been sold beyond the frontier and have perished in want and exile. The usual measure of time for loans of old was undoubtedly the year of ten months, after the lapse of which the debtor, if his own means failed him, was obliged to seek out a new creditor for himself, naturally often both for principal and interest, or must have agreed again with his first creditor. Accordingly the loss of the creditor, in capital, was in most cases not very great: if the interest had been added, it was no doubt wiped away, and that for two years was certainly lost in the paying off, but the capital remained un-

diminished. It is remarkable that the tribunes neither mitigated the old law of debt, nor re-established laws respecting usury.

C. Licinius and L. Sextius promulgated their laws under the military tribunes of the year 378. The patricians, however, had determined to prevent the acceptance of them in the concilium of the commons. With this view they gained over the united eight colleagues of the two tribunes to interdict the recital of the bill, which was a necessary step before proceeding to a division. The laws could only be recited by a clerk, whose disobedience to the intercession of a tribune, was punishable with death. In the last period of the republic, C. Cornelius destroyed the effect of the intercession by himself reading the project of a bill, on his servant being obliged to give way to the prohibition. No tribune could interdict the commonalty from voting: he was only their representative: nor could he even interdict his colleagues directly, but only up to the moment when the tribes separated: he could interrupt the proceedings, and render the coming to a division impossible, by forbidding the clerks to execute the necessary preliminaries. In consequence the authors of the bill, being insurmountably prohibited, and not so bold as Cornelius, were the laughing-stock of their opponents. But they indulged in no despondency: when the year ended, and the day came on for nominating military tribunes for the next year, they forbad the election.

During five years, as long as the struggle lasted, the tribunes renewed their veto, as often as the military tribunes went out of office. In this period there were only four colleges of these magistrates: in the intervening two years, which are reckoned together as one in the *Fasti*, the republic was administered by interrexes. As the tribunes had the power to hinder the patricians from assembling to nominate an interrex, it is certain that they did not allow any judicial sentences to be

executed by him, by which the liberties of a single plebeian would have been retrenched. Their forbearance and moderation is shown in their allowing the nomination of interrexes, and in their withholding their veto, whenever the necessity of employing force against the neighbouring states called for the election of military tribunes. In the mean time their office was renewed from year to year; the friends of the law found their way into the college, and in the fourth year of the struggle, the entire college seems finally to have been unanimous. It was now that the senate had recourse to an extreme measure, which, as long as the intercession of the tribunes was at their command, was unnecessary.

Camillus was named dictator, and began to enrol an army on the day announced for the voting. He commanded the commonalty, who had already commenced voting, under the most severe threats, to remove from the forum, and bade the lictors employ force. The tribunes opposed to him a calm resoluteness. They brought forward a bill to the effect that Camillus, if he acted as dictator, should be amerced in a fine of 500,000 ases, or in other words, announced by an edict, that by virtue of the Junian plebiscite they would sue him as soon as he should have laid down his office in that sum, for interrupting the proceedings of the commonalty. So threatening did the storm appear, that Camillus yielded to the exhortation of all discreet persons, and resigned his office.

The statement of Liyy, that Camillus resigned from reverence for the auspices, is of no value against this narrative, in which two historians agree. There is, however, a statement worthy of consideration, that Camillus was named dictator, not against the disturbances at home, but to carry on a war, and that he abdicated in accordance with a decree of the senate, respecting an edict which he had issued against the soldiers who had been discharged. This is recorded

in the Capitoline Fasti, which were set up in the reign of Augustus, and must have been a most genuine remnant of antiquity, as no one would have dared to invent any thing so humiliating to a hero, who, after the grave had closed over him, was glorified as the second Romulus. Consequently, the contest about the bill was still continued after the last dictatorship of Camillus. The sedition, to appease which P. Manlius was named dictator, arose from an inconsiderate edict of the haughty general: his resignation was decreed to prevent greater evils, and the infliction of a fine was threatened by the tribune, in case he should refuse to obey the decree of the senate. The moderation of the senate was due partly to their superior discretion, as the chiefs of their party, partly to the fact that several plebeian families had already seats in the house, and that many of the chief patricians were connected by marriage with the other order.

A bill of some importance had been already carried, by which the number of the keepers of the Sibylline books was increased to ten, the half to be elected from the plebeian order. By this concession, it was acknowledged that the plebeians had an equal share in the destiny of the state. An attempt was now made to effect a compromise. The senate, it appears, showed itself willing to give way respecting the public land and the law of debt, but not to concede the consulate to the plebeians. The thoughtless multitude were ready to acquiesce in the passing of those rogations, which were immediately profitable to themselves, but the tribunes, on the other hand, joined the three bills in one, so that the whole might be at once accepted or rejected; just as the English House of Commons incorporates with a money bill other decrees, however heterogeneous they may be, in order that all may stand or fall together. It is narrated that Licinius had said to the people with oldfashioned wit, "you must eat if you wish to drink;" and the condition, on which the tribunes accepted their

re-election was, that the commons should pass the whole.

The year 383 (388) brought peace, but unfortunately history recounts only in hasty words the final struggle. The laws were carried in full, but the sanction of the senate and the curies was withheld. Camillus was appointed dictator, and it is probable, intended to abolish again the laws in a fictitious assembly of the centuries beyond the mile of limitation: but the power of the dictator now failed, and the narrative of Plutarch evidently belongs to this place, where he says, that the tribunes in the exasperation of the strife commanded Camillus to be arrested in the forum.

At last the laws were passed in complete form, and L. Sextius Lateranus was chosen as the plebeian consul: the patricians however assembled in their curies refused their approval to his election. Upon this, the scarcely extinguished flames burst forth more fearfully than ever. Livy states only, that the plebeians had recourse to terrible threats and nearly to a secession; but Ovid, who was most accurately versed in the old *Fasti* and in all historical matters is worthy of great attention, narrates, that the people took up arms, and assembled together most probably on the Aventine. But Camillus himself was now wearied of the contest, and wished to die in peace. He himself acted as mediator between the two orders, and raised a temple to Concord, in gratitude for the successful result. The plebeians consented that the prætorship should remain as a curule office confined to the first order, and that the criminal jurisdiction should be shared with them in annual alternation. Camillus was rewarded for his mediation, by the nomination of his son to the first prætorship. The curies now approved, by anticipation, all the elections of the year, and probably all the Licinian laws were sworn to, as a compact, by both orders, as is mentioned to have been decided by the agrarian law.

CHAP. XLII.

ON THE NEW CURULE DIGNITIES OF THE
YEAR 384.

THE restoration of the consulate, if no alteration had been made, would have legally renewed its privileges to the same extent as they had been exercised by those consuls, whose election, since the introduction of the military tribunate, had been effected contrary to law. On the supposition that the prætorial functions had been permanently united with it, it is impossible to divine whether the *præfectus urbis*, on the occasion of the absence of both consuls from the city, would have been nominated by them or by the choice of the people, for traces of this magistracy after the decemvirate appear only in the years which had consular tribunes.

Thus the consular authority, even to the censorship, would have been restored in the entire fulness of its power, the partition and limitation of which had been earnestly demanded nine years before; and it is no wonder, if the opinion of parties was now reversed. The patricians, to whose predecessors every abridgment of the consulate appeared an outrage against the supreme authority, now demanded the separation, in order that the powers withdrawn from that magistracy might become their prerogative: if this however were to be effected, the mere accumulation of power appeared to the plebeians a very trifling prejudice. A concession of this nature, in the meanwhile, secured a happy means of arrangement. The office of præfect was renewed under the long familiar name of *prætor urbanus*; only, the jurisdiction was transferred to him absolutely during the absence of the consuls; and, if indeed it had once been bestowed by the curies, it was now understood to be in the gift of the centuries. The

necessary dependence of the people on the senate was, when state privileges were no longer the subject of discussion, chiefly maintained by this, that the welfare of each individual depended on the senator whom the prætor assigned to him as judge in any affair of law. To which party the judge was likely to belong might be evident from the limited numbers of the plebeian senators. The patricians, likewise, contrived with extreme care to retain in the hands of a magistrate chosen from their own body the equity-jurisdiction, respecting possessions in the public land; as violations of the Licinian law might thus be screened from detection. The partition of the consulate was at first very unequal, as the patricians had retained for themselves more than two-thirds. The prætor was the colleague of the consuls, chosen under the same auspices, and under the presidency of one of them. Hence it is extremely probable that from the commencement six fasces were allotted to him, as the consuls together had only twelve: although, however, judicial powers were conferred on this office, they still remained attached to the consulate as originally, and the consul even revised upon appeal prætorian decisions respecting possessions.

This concession was certainly not a step backwards. On the contrary, the establishment of the Curule Ædileship obtained for the plebeians an equitable share in yearly alternation of a power, which, except during the short period of the second decemvirate, appears never to have been open to them; for the patricians some new splendour, which the others shared. The account in Livy exhibits to a much greater extent a gain, at least in vanity, for the patrician youth, who with knightly spirit undertook to defray the expense of the *fourth* festival day, which the pious gratitude of the senate had vowed for the restoration of peace, but of which the avarice of the plebeian ædiles refused to defray the cost. Unfor-

unately for that author, the games, the expense of which was increased, were the Roman or great games, with which the plebeian ædiles were not concerned, since they were exhibited to the *populus*, as is clear from this, that the seats were marked out according to curies. The separation of the orders extended itself even into the games: this is certainly beyond doubt, that the ædiles of the commonalty presided over the plebeian games, and that these were not held in the great circus, but had given occasion for the Flaminian circus to be built on the spot which of old served as the place of election for their order. Had they, however, had the management of these games, they might readily have allowed their prolongation; as we have the testimony of Fabius to the fact, that the republic, up to the first Punic war, allotted annually 500 pounds of silver, that is, 500,000 ases, to defray their cost. That the management of these festivals became subsequently a state burthen, was undoubtedly the result of the great financial embarrassment of the state.

The absurdity of the statement that the senate considered it unfair for the patricians to have gained three curule seats in return for one thrown open to the plebeians, and for that reason approved of the annual alternation of the ædileship, needs no proof, as the party which governed that assembly were still using every endeavour to wrest that single place from the commonalty. But even this narrative rests upon some ground of truth which may be discovered. The addition of a day to the great games was something far different from a mere prolongation or repetition of them. It was a permanent extension of them, whereby a fourth day was added for the commonalty, as already one had been for each of the three old races. The institution of this was an acknowledgment that the plebs was a true portion of the Roman nation, and stood no further from the great gods, in whose honour the games were celebrated, than the old races. Then,

however, the presidency in these must have been allowed to their officers, and the partition of the curule ædileship was a necessary feature in the regulation of them, as it is clear that already in the second year plebeians were elected. The arrangement of this ædileship then was a substantial part of the Licinian legislation, and a great step towards universal freedom.

It is impossible to determine in what cases on an accusation of a crime not against the public a judge was assigned out of the senate, and when the affair was decided by a tribunal of the nation, or of the tribe. It is known, however, that the *perduellio*, if he did not acquiesce in the sentence of the duumviri, appealed to the tribunal of the populus; and in all cases which were not properly state crimes, when a Roman magistrate appeared as accuser before the people, the same course of proceeding may be recognised. If this magistrate had previously pronounced a sentence of condemnation, the tribunal of the people only interfered, because the culprit was authorised to appeal to his peers or to the nation. It probably cannot be determined when the general right of bringing forward an accusation was established, the abuse of which led to the establishment of the *quadruplatores*; so long, however, as the various fines were paid into the public purse, it cannot be doubted that the accusations on which judgment was passed were brought forward on public grounds.

The office of curule ædiles appears as an intermediate criminal board between the *quæstors of blood* and the criminal judges, the *triumviri capitales*. It was the former who had put Manlius to death, after which event no traces of them are found, as far as Livy is concerned. They prosecuted crimes, says Varro, as now the *triumviri capitales*. The first introduction of this magistracy was narrated in the eleventh book of Livy; and it is only the last books of the first decade of that author which show us the department of

criminal inquiry in the hands of the curule ædiles, just as the quæstors had possessed it. That jurisdiction, however, lost as little by the introduction of the new office, as the jurisdiction of the consuls by that of the city prætorship; and under circumstances where the criminal judges could not have proceeded against the transgressor, M. Marcellus made use of the ancient right of the ædileship, with which he was invested, to bring a criminal accusation before the people. Even the name of that new office showed that it could not have been authorised to bring accusations before the people which only referred to fines; consequently, the maintenance of the law against usury still remained the duty of the curule ædiles: the punishment of any excess in the enjoyment of the public land may have been transferred to them from the plebeian ædiles in later times. Subsequent events displayed the curule ædiles in the light of a board of inquiry and accusation.

That the alternation of the orders in the curule ædileship commenced immediately with the second year, is clearly stated by Livy; his opinion was equally clear that this regulation soon ceased, and that the choice was left at the free disposal of the orders: this, however, is erroneous; for in the few places where mention is made of curule ædiles in the first decade of his history, the two of each year are of the same order, and the alternation of the orders at the broken intervals is striking. The same fact may be observed continually in the *Fasti*, which he quotes year for year, after the commencement of the war against Hannibal; and after the period where his books fail, this regulation is found still in existence at the exhibition of the plays of Terence, about 590. Polybius, likewise, the first edition of whose work is to be placed at the beginning of the seventh century, says still of his own time, that it was customary to elect two patricians together.

The period which brought forth these two curule magistracies in a new form gave occasion for an extraordinary one, which never appeared again till the downfall of liberty. A notice—which though grievously disfigured, is undeniably a valuable remnant of the constitutional history of Rome by Junius Gracchanus—announces, that after the five years' ferment respecting the Licinian laws, three legislators or judges were nominated for the settlement of the disturbances. These magistrates must have been those alluded to by Varro, when, amongst the extraordinary magistrates who had possessed the right of convening the senate in common with the decemvirs and consular tribunes, he exhibits the triumvirs for the regulation of the republic. The necessity of a board of extraordinary magistrates to determine judicially respecting the *ager publicus* and the state of debt was evident; in like manner as by the laws of Tiberius Gracchus a triumvirate was appointed for the entire period of his commission. C. Licinius doubtless allowed himself to be nominated to this triumvirate, which explains why his name appears for the first time as consul after two years. The duty of working out the law, that it should not remain a dead letter, was more important than the honour of the consulship perhaps incompatible with such an employment.

CHAP. XLIII.

ON THE DOMESTIC HISTORY DOWN TO THE COMPLETE ESTABLISHMENT OF THE PLEBEIAN CONSULSHIP.

THERE ensued, after this revolution, an unusual calm during the execution of the law which completely occupied the attention of the government. It might even be true that the senate wished not for war, in

order that the plebeian consul might remain in inglorious inactivity. Desolating natural phænomena interrupted this tranquillity. A pestilence made its appearance, and the river overflowed the low grounds. So great a change, however, had been effected in the voting in little more than one generation, that the comitia could not this time be broken off by the pretence of the displeasure of the deities at the election of individuals from unworthy families. The fourth year had now passed away without war, when the patricians formed a plan for rendering powerless the Licinian law by the ancient terrors of the dictatorship and by a forcible levy. The haughty and vehement L. Manlius was named dictator, 387 (392) for the ceremony of driving the nail to mark the year: in defiance of his commission, he began to levy an army against the Hernicans, but the tribunes constrained him to renounce his enterprise with his office.

The defeat and death of the plebeian consul L. Genucius in the following year, in an engagement with the Hernicans, was a source of great exultation to the patricians. A dictator was nominated, and so likewise in the two following years. These consecutive dictatorships, without doubt, had reference to the elections, although no experiment was ventured on. The pretence, that the unfitness of the plebeian auspices threatened the state with harm was fatal in 390 (395) to the merit of the consul Pæteliu. In the next year 391 (396) a dangerous dissension between the orders was only allayed by the Tiburtine war. The conduct of the consul, M. Popillius, in tranquilising the excited multitude shows, that plebeians in the highest office were a safeguard of peace if the oligarchy only did not disturb it.

When the consul M. Fabius in 394 (399) had been routed by the Etruscans, C. Marcius Rutilus, the plebeian consul of the previous year, was nominated to the dictatorship, with extreme ill will on the part of

the patricians. He had doubtless been nominated by the plebeian consul, M. Popillius. The oligarchy was so regardless of the welfare of the state, that though the Etruscan armies had advanced as far as the Salinæ near the mouth of the Tiber, the houses withheld from the dictator the means of forming an army, yet the war was carried on against an enemy who two years before had massacred 300 captive Romans. The good will of the citizens, however, supplied C. Marcius with all the necessary means, just as in later times the people of Italy furnished the great Scipio with the supplies for reseuing his country which envy and faction had refused to him. The centuries gave their assent to his proposals, but this presupposes a decree of the senate, and consequently he must have had the senate on his side. Yet this support was but of a transitory character, for that body must have lent its whole weight to the oligarchy, when it attempted in the same year to subvert the Licinian law. The renewal of the league with the Hernicans, as well as of that with the Latins, had restored to the ruling party a power, the loss of which for twelve years had not allowed them to entertain seriously the idea of a decisive struggle with the commonalty.

The consular elections were conducted by interrexes, who admitted no votes for plebeian candidates. The tribunes long withstood them, but the eleventh interrex prevailed in declaring elected the two patricians who had the most votes, besides which he added this jeer, that as according to the XII Tables the last decision of the people was to hold good against former laws, so here likewise the election, which he had extorted, should hold good against the Licinian law. The consular fasces were thus transferred in 395 (400) back again to two patricians, who considered it a point of honour at the next election to maintain the exclusive possession of them for their order. When they consequently persisted in rejecting all votes for plebeian

candidates, the freemen quitted the field with the tribunes, and the consuls effected an apparent election by the votes of the clients. Some annals named M. Popillius as the legally elected consul, instead of the second patrician consul, but he either was not proclaimed as such, or was not recognised by the *populus*.

Even in the third year, 397 (402), the patricians maintained their illegal usurpation. Now, however, the ferment became so violent, that the power of the consuls seems to have been distrusted, and during five successive years a dictator was annually nominated under various pretences, but evidently to control the elections. The struggle was still continued, and occasionally the senate was obliged to concede that the Licinian law should be observed; out of thirteen consulates, however, from 395 (400) when the law was first infringed, to 407 (412), seven were illegal. The republic was at last rescued from this state of internal disturbance, in a manner which has brought destruction on almost all free states, but which, through the virtue of her people, proved the means of preservation to her.

In 393 (398) an attempt had been made by the patrician consul, C. Manlius, to introduce legislative assemblies in the camp, where unconditional obedience was required by the soldier's oath. Although the measure which he had brought forward was salutary to the state, being the exaction of a duty of five per cent. on the value of emancipated slaves, yet as it involved a dangerous precedent, the tribunes forbade such assemblies under pain of death. In the same year C. Licinius Stolo was condemned, in accordance with his own law, for possessing a thousand acres of arable land, the half in the name of his son, who had been only fictitiously emancipated: a melancholy instance how irresistible avarice proves to be, even to those who through honour ought to be most securely guarded against it.

In the year 397 (402) two new tribes were enrolled.

The Pomptinian, from its name, without doubt, included some of the Volscians, who had become Romans, whilst other towns of theirs had united themselves to Latium: thus the balance between the two confederate states was maintained.

The Licinian law of debt, like every thing which injures private credit, had secured but imperfectly to the debtors the advantages they had hoped for. The paying off of the capital, even without interest, within three years, could only be accomplished, for the most part, by means of new loans, in which the debtors must inevitably have agreed to a higher rate of interest, to indemnify the capitalists. A general state of private debt is like the sieve of the Danaïds. Hence complaints were, in a short time, again loud and earnest, and, as experience had shown that usury laws were not superfluous, the uncial rate of interest was restored by a plebiscite which the curies did not accept without resistance, ten years after the Licinian law. It will be shown that this amounted to ten per cent. for the civil year: the punishment for usurers who transgressed it was a fourfold penalty: which is to be understood in the case of the condemnations in the year 406 (411.)

CHAP. XLIV.

ON THE UNCIAL RATE OF INTEREST.

TACITUS says that the uncial rate of interest was introduced by the XII Tables; Livy narrates that it was established in 393 (398), in consequence of a rogation. Now it is clear that the Licinian law cannot have found the interest limited, for the usurers would infallibly have extorted far more than the legal interest, and it would merely have been necessary to transfer to the debtors the fourfold penalty forfeited to the state. Yet it seems incredible that Tacitus, who was by no

means indifferent regarding the antiquities of Rome, should not have read the XII Tables; and that he should have frivolously quoted them, is a supposition that violates the respect due to his memory. That an ordinance of the XII Tables should have fallen into disuse, and therefore the renewal of it have become necessary, by which hypothesis a venerable commentator has wished to reconcile both historians, seems to be not probable; on the contrary, the time from the decemvirate up to the repayment before the Licinian law is too short: the ordinance, however, may certainly have been abolished expressly. For its presence in the Tables, the state of things before the time of the Gauls speaks, when not the slightest outcry was raised respecting the pressure of usury. Now it is clear that without a legal standard of interest there could be no penalty of a fourfold amount for usury; and Cato, who undoubtedly knew the XII Tables by heart, sets this down as a part of that code, after the twofold penalty of theft. Such a narrative under a determinate year, in connection with the annals, has, if one must choose between the two, evidently far more weight than the accidental mention of it, even in the greatest writer. Even respecting the amount of the uncial interest, two opinions, differing in an unparalleled manner from each other, are current; both of which, however, set forth that the reckoning of interest according to months, which undoubtedly alone prevailed in Rome in later times, had been customary from the first. The one regards the *centesima*, the monthly percentage, as the unit, the twelfth part of which was the legal rate of interest, and consequently reckons this interest at one per cent. for the year: the other reckons it at 100 per cent. yearly, whilst it considers the capital as the unit, (the *as*,) a twelfth part of which was paid monthly as interest. This last can only be considered as an hypothesis, for no single place supplies either a proof or an analogy for it, and consequently it ought

to possess internal probability; but such a rate of interest has never existed throughout the whole world, nor can ever exist. He who borrows from necessity and possesses sufficient to appear solvent to the lender, will surely be able still to sell his property at a loss of less than fifty per cent.; and thereby he gains, in comparison with such a transaction. He who takes up money on speculation, can certainly, particularly on bottomry, pay a high interest; but it belongs to the most signal instances of good luck that any one, even in the most distant regions, should gain more than capital for capital: in land itself it is impossible, otherwise the value of all things would be equal merely to their yearly produce; whilst the accumulation of capital, owing to the amount of interest, must again produce a concurrence which would much increase the price of all articles. Besides, here the question is about a rule, not about an extraordinary instance of enormous usury. Further, what was established legally as a relief to the people, to their great delight, and to the chagrin of the patricians, must have abolished an unfair and higher rate of interest, customary in earlier times. If then, indeed, 200 per cent. had been in earlier times the legal or customary rate of interest, how came they down soon afterwards to half the uncial interest, to fifty per cent., according to this hypothesis? Yet according to the Licinian law of debt, even after the deduction of the interest paid, a residue of the capital must have remained. On the other hand, it would have led to extortion as a natural consequence.

The opposite and perhaps generally prevailing opinion, which recognised in the uncial interest only one per cent. yearly, presents a far different aspect; for that in later times the monthly percentage was the unit, twelve parts of which multiplied twelve times represented the rate of interest, is as certain as any one point in our knowledge of antiquity. But far from that monthly percentage, the *centesima*, being

likewise the *as* of the ancient uncial interest, there is every reason for supposing that it was a foreign rate of interest, first adopted in the time of Sylla. It is impossible to point out a single allusion to this which is older than the writings of Cicero, and it is there generally alluded to as adopted by rich Romans in the Greek provinces. In Athens the monthly interest of a drachma for a mina was the legal rate; and in some cases, as for property belonging to a female, one and a half drachma, or nine oboli, doubtless from the time of Solon. This rate of interest, which still prevails in the Levant, maintained itself under the dominion of the Romans, and was the measure of all the money transactions of the Roman bankers in the provinces: it thus became customary at Rome, and then the general Roman custom occasioned the reckoning of small discounts by twelfth parts.

A rate of interest of one per cent., afterwards of half a per cent., is, in regard to the capitalists, as absurd as 100 per cent. is exorbitant for the debtors. Livy says of the reduction, "even if still the greater part of the commonalty suffered, yet the distress of individuals was considered of less consequence than the protection which the state owed to property." The bill itself ordained expressly that all debts should be paid in four instalments within three years. Would it then have been considered a relief, that the interest of a half instead of one per cent. per annum should be paid for the residue of the capital? It has been said, that the fixing of a standard of interest at which no one would lend out money, may be considered as a symbolical disapprobation of usury, not as a law seriously intended. The law, however, in this case was as literal as in others; it was placed under the protection of the *curule ædiles*, and the people themselves sat in judgment on accusations regarding the infringement of it.

The unit, of which the ounce, and after some years

the half-ounce, was the legal interest, is certainly to be looked for in the capital, not, however, for the month, but for the year; and assuredly, at first, for the old cyclic year of ten months. If this amounted to eight and a half per cent., then, for the civil year, the uncial interest amounted to ten, and the semi-uncial to five per cent.; a scale which does not differ from what is usual in all times and countries, for the ordinary limits of interest for the creditor and the debtor are three and twelve per cent.; the latter, where capitals are monopolised by a few foreigners, to whom the trade is peculiar, where commercial transactions are rare, and the value of productive property, compared with capital, is low; the former in contrary cases. With this interpretation all difficulties vanish, and nothing is more obvious than that the capital was the unit, and the year the measure of time for debts. The same period was adopted in other transactions, but it was always the year of ten months, and for this reason the amount of the uncial interest for twelve months must be taken, not at eight and a half, but at ten per cent. Had a passage in Festus remained un mutilated, the question would have been settled beyond a doubt, for at the conclusion of the fragment the tenth part of the capital is spoken of, and from a probable restoration of the passage we may infer that Sylla wished to renew the ancient law of interest,—*ut debitores decimam partem sortis annuis usuris penderent*,—where, doubtless, the civil year was alluded to.

The salutary legislation of 403 (408) aimed at a general liquidation of debts, and five commissioners for that object were appointed, two from the plebeian and three from the patrician order (*quinqueviri mensarii*). If any one was unable to make immediate payment, but could give security to the state, his debt was discharged by a loan from the treasury; if he preferred to deduct it from his property, its value was subtracted and transferred to the creditor. Such a circuitous

method was necessary in mortgaging an estate for debt. It is worthy of observation, that the treasury already, since the Licinian law, had become extraordinarily rich. As much property had changed hands, a new census became requisite, and C. Marcius, a plebeian, who had first obtained the honour of the dictatorship for his order, and in whose first consulate the uncial interest had been restored, was nominated to the censorship, not without great opposition from the patricians.

When in the year 403 (408), the rate of interest was reduced to five per cent., a period of three years was appointed for the repayment of the capital, by which we must again understand cyclic years. One instalment was to be paid immediately, the remainder in three cyclic portions.

One of the successive diminutions of the weight of the As, though probably not that by which it was reduced to four ounces, must have been fixed upon as one of the most proper means for relieving the debtors, at a time when so much was attempted for their deliverance. But all these measures would only succour those who had some property; to the entirely destitute there was no help given: and this rendered possible the insurrection of the army in the year 408 (413). This, indeed, is a most mysterious transaction as it appears in the narrative which, amongst several others, is distorted by Livy. Examples are frequently found in Roman history, as well of noble and disinterested intentions giving rise to commotions which have opened the door to mischief and led to destruction, as of substantial and permanent blessings in the end springing up out of melancholy and evil conjunctures against the will of those who swayed them. That, however, in the course of a few months, probably of a few days, an enterprise, which had been commenced with the darkest and most nefarious intentions, should have been converted into a means of welfare, is mysterious to an unparalleled degree.

According to that account, the opulence and luxury of Capua, and of the neighbouring towns of Campania, excited in the Roman legions, who lay there in garrison in the winter of 407 (412), the infamous design of murdering or subjugating the inhabitants, and of establishing a new state there, as the Sabellians had formerly done to the citizens of Vulturum. When the consul C. Marcius Rutilus came to the army in the year 408 (413), this project had ripened into a complete conspiracy. That he might divert them from an immediate execution of it, he circulated the report that the troops would not leave their quarters even in the following winter; and then observing the stillness of the mutineers, he availed himself of every occasion, either to dismiss the ringleaders as having completed their time of service, or to grant leave of absence for Rome on the slightest request, where his colleague, Q. Servilius Ahala, was to detain them. For a long time the artifice succeeded; but gradually the soldiers divined the scheme, for none of their comrades who had obtained a furlough returned. Lautula is the pass from Terracina eastward on the road to Fundi, between the sea and the mountains: here, on the Roman road, a cohort had made a halt, and to this the soldiers whom the consul had dismissed on leave singly, united themselves, till their numbers were swollen into a numerous host. The consul himself and the army, which must still have remained with him, is entirely lost sight of by Livy. This host set off from Lautula towards Rome, without a plan, and without a leader. But they soon perceived their deficiency, and determined to supply it. An aged patrician, named T. Quinctius, lame in the foot, was living on his estate in the Alban district, having withdrawn himself from public affairs at the termination of a series of glorious campaigns. The mutineers came upon him suddenly by night, and compelled him by threats of death to place himself at their head. They then encamped

within eight miles of Rome, and were on the point of marching against the city, when they heard that a numerous army was being levied against them under the command of the dictator, M. Valerius Corvus.

The two armies were soon drawn up against each other, prepared to shed for the first time the blood of fellow-citizens: there was now a melancholy longing in every heart for a reconciliation. The dictator, as was to be expected from a member of the Valerian family, made proposals of peace; and the insurgents resolved, on the advice of their general, to confide themselves entirely to a Valerius. He thereupon returned to Rome, and on his proposal, by virtue of a decree of the senate, the assembly of the citizens in the Petelian grove guaranteed to the soldiers a pardon and a general amnesty. It was decreed, also, that no soldier against his will should be struck off the muster roll, nor should any one who had already served as tribune be afterwards appointed centurion.

The first law evidently must have had for its object to maintain, that service in the field should be a guarantee against the persecution of creditors; in other words, to hinder a consul from sending home a soldier, with whom he might be displeased, in order that his creditors might fasten on him. Besides, by the agrarian law, irreproachable service during a certain number of years may have been made a condition for a claim to an assignment of land. The second, the insurgents are said to have intended against L. Salonijs, an officer who had kept himself clear from their crime: who is stated to have served in alternate years as tribune and as captain of a maniple; the latter office could only be enjoyed in alternate years, for the captaincy every other year belonged to a Latin centurion. Now, according to Livy, one must believe that the army demanded, that he who had once been a tribune, should either serve in the same capacity, or as a common soldier. It was not, consequently, a demand for immunity from

military service, or for knight's service. The idea, that hostility to Salonius was the motive, is one of those innumerable errors, which turn out to be exactly the reverse. It is clear, that the people chose him every second year amongst the six tribunes, whom it had to name, and it is very conceivable, that it was not constitutional to choose the same persons every year. The consuls, however, were not so limited: they had the nomination of the greater number of tribunes, as well as the appointment of the centurions. But a centurion was properly not an officer, and it was no less humiliating for him who had already served as tribune, to be appointed centurion, than service in the ranks would be to him who had been a centurion. If, consequently, knightly pride placed the elected tribune of the preceding year in a lower rank, it is clear how such a proceeding would rouse up the soldiers in behalf of a man who had raised himself up from the line. *Up* indeed, not *upwards*, for in the constitution of the Roman army, there was no promotion upwards, by a series of steps in a system of military ranks, and this was not the last cause of its pre-eminence: he who had wings, soared up quickly.

Whether the demand, that the pay of the knights which was threefold that of the infantry should be diminished, had effect, remained according to Livy undecided: if it was acceded to, the ancient regulation must have been again restored in later times, for that proportion prevailed in the time of Polybius. Such, then, is the unmeaning termination of the affair in the narrative of Livy, without any mention, not indeed of Capua, but of such advantages as in later times the veterans claimed as naturally due to them. The hardships redressed are ridiculously insignificant, in comparison with the ancient grievances of the whole plebeian order, the abolition of which was deferred without any interruption of domestic peace. If this is history, then fable is more comprehensible, and more intelligible.

But there is evidence, that laws of far higher importance than those military regulations, resulted from this insurrection. Dionysius, accustomed to Greek precedents, makes as little difficulty here as at the first secession of the commonalty, in asserting that the abolition of debts was granted. In substance, indeed, a writing, which though of late origin, is composed of peculiarly genuine old materials, accords with his statement. It would seem, that distress from debt had driven the soldiers to despair, in conjunction with the prospect of being delivered up to their creditors on their return to Rome. On their march towards the city they had set free the fettered labourers in the fields, that is, the slaves for debt, whereby they were increased to 20,000 men; a number which it would be unsafe to acquiesce in, even if we read it in the annals which were written in the year of the event, and which, by its transmission through Dionysius, derives no additional credit, as he invariably shows himself credulous, or thoughtless, respecting the numbers of the Roman armies.

It is said, that loans upon interest were likewise forbidden by a plebiscite: this is possible, but the law on this subject, which was legally in force in the middle of the seventh century, cannot have existed ever since 408 (413). The most salutary regulation was an ordinance, by which the exclusive possession of the consulate, which a few families had usurped and thereby hindered the extension of nobility in their order, was wrested from them, and a custom was checked, according to which several curule offices had been held at the same time by the same person. No person, in future, was permitted to hold the same magistracy a second time, before the lapse of ten years, nor two different magistracies at once. It is true that appointments, seemingly at variance with this, occur subsequently, up to the last secession of the plebs, when they cease entirely. In general, however, if the same

person reappears in the *Fasti*, ten years, at least, have elapsed since his preceding consulate. Some, indeed, which recur at shorter intervals, are those of men whose greatness propped up the republic, and these were, doubtless, special exemptions. Thus, in the case of Q. Fabius Maximus, the privilege was accorded to him by a plebiscite: to C. Marius likewise it was granted personally, and in the war against Hannibal it was made general by a law.

At the same time, it is said to have been declared lawful, by a plebiscite, to choose both the consuls out of the plebeian order. If this rogation did not, in all probability, fall to the ground through want of confirmation by the senate and citizens, the non-employment of such a right in the statute-book, is a proof of remarkable wisdom in the leaders of the plebeians. They must have perceived, that as the nation was then circumstanced, a strict partition of power between the orders was the most equitable condition, and the maintenance of it the only defence against a sudden transition to a lawless democracy.

If it is allowable to assume, as probable, that the whole of these legislative enactments, which make up a system in themselves, proceeded from a single individual, as the Licinian, Duilian, Publilian, and other laws, then the name of L. Genucius, whom Livy mentions as the author of the rogation against usury, may remind us of that tribune, who, owing to the faithful discharge of his duty, fell by an assassin's hand. Thus, after 130 years, there rose up from his ashes an avenger to appease his Manes by the final establishment of plebeian freedom.

This, however, could never have been achieved by him, if the insurrection had commenced and terminated as Livy informs us. One may, however, discern its possibility, in a narrative which Livy disdained, probably because it consisted of only a few lines, in the most ancient chronicles, which furnished no more than

what they found existing in this time so meagre in writings, whilst Valerius Antias and authors of a similar stamp presented circumstantial accounts.

According to this account, the insurrection did not commence with the army, but broke out in the city and gave rise to a secession. The discontented took up arms, and by force compelled a patrician, C. Manlius, to conduct them out of the city. They occupied a position four miles distant from the walls. Here, then, the army from Campania, having transferred the conduct of the war there to their Latin allies, must have come upon them. There is, without doubt, historical ground for the account of the cohort having revolted at Lautulæ; it was probably stationed there, as a permanent post, to maintain the communication between Campania and Latium. Even in other circumstances there may be fragments of history preserved, yet uselessly so. No dictator was named. The consuls led against them a levy *en masse*. But when both armies were advancing to engage, the consular army saluted the insurgents; and the soldiers on both sides stretched forth their hands to each other, and embraced with tears. One might here recognise a last pernicious attempt of the patricians, to employ the arms of their clients against the freemen. When it was now evident that force was useless, the consuls resolved to propose in the senate a reconciliation with the people.

In preferring this narrative, it is not necessary to admit every circumstance in it as certain: for that reason, the dictatorship of Valerius may be doubted; for which the laws must have given evidence. This, however, may be admitted unconditionally, that the insurrection in the town arose out of one of the customary contests in the forum, and accordingly, it is very intelligible, how the tribune, even when the sedition had grown furious, did not lose the control of it, and when he had need of an army, prevailed on it

to help its country. Of a criminal design against Capua there is assuredly no mention, and certainly we are bound in duty to reject this charge as a wicked and false accusation. The same spirit which stigmatised the Licinian laws as the production of a woman's vanity, did not hesitate to represent their confirmation as the result of a plot on the part of a band of robbers.

CHAP. XLV.

MILITARY HISTORY FROM 384 TO 406.

THE Licinian legislation had at last set free the republic from the pernicious fetters which had so long cramped her energies. Hitherto only the life-struggles from within have been worthy of attention, but from this time forward, the development of Rome in her mission of universal empire commences. The clamours about the pressure of the tribute are heard no more, for the republic had recovered the full enjoyment of its property, nor do we read of any opposition to the levies, but rather of murmurs on account of dismissals from military service against the wishes of the individuals; every person might now earn for himself the place due to him and a free inheritance in the soil.

We must not be deceived because the historians spoke as if the Gauls had come down expressly in order to attack Rome: the chroniclers had confined themselves to a very narrow circle of domestic occurrences, and the carelessness of later writers overlooked the general ruin of Italy. The Gauls, however, did not expressly sack Rome, which was several days' marches distant from their settlements, and was separated from them by other nations, but they laid waste the Roman territories and Latium, in the course of the devastating migrations with which they pushed forward into the most remote regions. It is possible

that these were usually undertaken by fresh swarms of wanderers, induced by the races already settled to advance still farther in order to avoid sharing their settlements, and accompanied by the most restless and warlike spirits from amongst them. The first step towards the destruction of the original population of Italy, was made by them a short time before the commencement of the domestic desolation of Greece, and almost contemporaneously with the ruin of Sicily and Magna Græcia. They were incontestably the heralds and pioneers of the Roman armies. For far around Rome all must have been weakened and worn out, and many nations were subdued by them. It is repeatedly stated, that they marched into Campania, even into Apulia, and if Dionysius concluded a league with them, this must have happened when they had penetrated into Lower Italy.

Twice in this year Rome was thrown into alarm by the approach of the Gauls. Polybius makes mention of these dangers, but one scarcely can persuade one's self that his narrative and that of Livy relate to the same events. After the evacuation of Rome, the Gallic nations in Italy were, as the former nations, hindered from extending their conquests, partly by domestic wars, partly by the attacks of the Alpine nations; which circumstances seem to have been influential in saving the rest of Italy. Thirty years after the capture of the city, the Gauls made their appearance unexpectedly with a great army at Alba: the Romans, cut off from their confederates, shut themselves up within their city walls. A second expedition took place twelve years later in 401 (406), but the Romans had obtained timely information of it, and with their confederates awaited the enemy in the field. Dissensions arose amongst the Gauls, and they retreated with every appearance of a flight.

In these same campaigns, Livy recounts a victory of the Romans, by which the Gauls were repulsed. One cannot help at least conjecturing that vanity has

invented this: but the narrative, which may be distinguished from the tales mixed up with it, though embellished, is still in the most essential points as genuine as the fragments of thoroughly credible history, with which it is combined. We cannot extend the unconditional confidence which Polybius claims from us for the times near him, to ancient events, about which he could only inquire in the annals, and he might overlook the events of a year very easily, as seems to have been the case with him respecting the dictatorship of the year 391 (396). His opinion, that Fabius always exaggerated for the Romans, made him at least disposed to consider as genuine any representation, in which Roman victories vanished, although he himself should not have viewed them in this light.

The Roman heroic lays celebrated a single combat, in which a Roman youth, C. Manlius, conquered and slew a giant, who had advanced menacingly in front of the Gallic ranks, and challenged a Roman knight. The tale recounted how the Roman champion parried dexterously the blow of his mighty opponent's sword, and striking upwards the lowermost edge of the great Gallic shield, stepped within it, and so assailed the monster with his sword. He pierced him in the loins and bowels, so high did the giant, like a rock, out-top him; and when he fell, his corpse covered a space equal to the Homeric *plethrum*. The victor won for himself the golden collar of the slain, and with it the surname of Torquatus. For this lay the annalists sought a time and place, and when one of them had fixed upon the year 388 (393), during an invasion of the Gauls, when the Anio separated the two armies, this decision gained historical credit. Yet Livy confesses, that Licinius Macer stated, that the dictator of that year had been nominated for the Comitia, and names him only on conjecture, as the general in the Gallic war.

The Gauls marched through Tibur into Campania. That town did homage to their formidable bands, or

bought their services for money, being at that time engaged in a war against Rome. In the following year 389 (394) they returned into Latium, and laid waste the country eastward, up to the walls of Rome. They appeared before the Colline gate, through which, twenty-five years before, they had opened themselves a way. A consular army kept watch against the Tiburtans: the remainder of the Romans, that were capable of bearing arms, awaited the enemy beneath the walls. After a long and bloody engagement, the Gauls, repulsed rather than conquered, retired towards Tibur, but ere they reached that town, the consul Pætelius attacked their disordered troops, and completed the victory. This is attested to the consul by the triumphal Fasti.

It was most probably on their return from an expedition into a distant part of the peninsula, that the Gauls appeared in the second summer after this, 391 (396), before Pedum. Rome and Latium, amidst the threatening danger, had renewed their ancient league. C. Sulpicius, the greatest general of his age, occupied with his army a strong position, which the Gauls did not venture to storm. His object was to tire out and weaken the enemy, but his soldiers murmured at his inactivity, and impatiently demanded to be led to battle. The event fully justified his delay, for the legions were driven back towards the camp, and the day was only won through a stratagem, suggested by despair. The baggage servants were mounted on beasts of burden, and, with a few horsemen at their head, so as to present the appearance of a numerous body of cavalry, threatened to fall on the rear of the Gauls. The deception succeeded, for the Gauls fled into the woods, whither they were hotly pursued. The truth of the victory is confirmed by the memorial of a triumph and by the dedication of the gold, which formed part of the booty and was walled up in the Capitol.

Nine years had now elapsed, when Latium and the

Roman district were again visited by the Gauls in 400 (405). Terror again preceded them; but the consul was not unprepared to meet them. He chose a high and difficult position for his camp, and whilst the triarii were throwing up entrenchments, he drew up the remaining cohorts in battle array. The Gauls advanced at full speed, but were driven backwards. A wound which the consul received and the dense numbers of the enemy, rendered the victory for some time doubtful to the Romans. The Gauls at length abandoned their camp, and threw themselves into the Alban chain of mountains, the desolation of which afforded them a secure place of encampment. They were, however, still unsubdued, and made inroads during the winter into Latium. The glory of terminating the war devolved on the consul, L. Furius Camillus, equally pre-eminent as a general as he was dangerous as a citizen. The general devastation had united all the people of Latium, even the Volscians, with Rome. The four legions, which Camillus led against the Gauls, were unquestionably half made up of Latin centuries. When the armies encountered each other, M. Valerius Corvus, a youth, slew in single combat a Gallic warrior. Even the account of this engagement is poetical. A raven, sent by the gods, settled on the helmet of the Roman, and assailed with his beak and wings the face of the Gaul, as often as the battle was renewed. Whilst the victor was collecting the spoils, the Gauls attempted to prevent him, and a general engagement ensued. On this day the Gauls did not long hold out, for the scarcity during the winter had already vanquished them. They fled, according to Livy, through the Volscian district towards the Vulturnus, and thence into Apulia, but it is impossible that they could have effected a passage through the Sabellian territory with their routed army, and there are less grounds for believing in a defeat of the Gauls, as no triumph of the consul over them is recorded. The narrative of Polybius has

been already alluded to. If the Gauls, however, were so compelled to retreat, that they did not seek to renew their expeditions, it was equal to the most brilliant victory. It is certain that they never again entered Latium. Hence L. Camillus might, even in distant lands, have become celebrated as the conqueror of the Gauls and the preserver of Rome, and he was so designated by Aristotle himself. This campaign fell in the third year of the 108th Olymp. at which time the philosopher lived at Pella. Thus the Romans rested, after a long time, from their wars with the Gauls. In these, as Polybius says, they had accustomed themselves to be cut to pieces, and out of them they came forth practised combatants for their wars in Italy.

Had the order of time, rather than the importance of the events been attended to, the war against the Her-nicans ought to have been mentioned first. They had already, after the capture of the city, withdrawn themselves from the Roman confederation. An occasion for hostilities was sought for by the dictator, L. Manlius, for external commotions strengthened the power of the senate and the patricians : yet the command, in the first campaign, 388 (393), was entrusted to the plebeian consul, L. Genucius. The issue seemed to confirm the warnings of the patricians, that misfortune threatened the republic, from the profanation of the auspices. The Roman army was surprised and fled : its leader fell, and was thus spared the mortifications, which a hostile faction, forgetting all sorrow for the republic in their exultation at the defeat of the first plebeian consul who had acted as general, would have heaped upon him. The loss, however, was less than the disgrace, as the lieutenant, C. Sulpicius, had maintained possession of the camp, and by a successful sally had damped the ardour of the victors, ere Ap. Claudius, the dictator, had united his forces with the troops of the consul.

Thus reinforced, the Romans could venture on an

engagement. The Hernicans, however, were their equals in courage and military discipline, and had assembled the flower and strength of their nation on the field. In the centre of their line eight cohorts were stationed, each 400 strong, composed of picked young men, who served on double pay, and with the promise of exemption from military service at the termination of the war. They fulfilled the commission of their country faithfully, but were at last overpowered, and compelled to retreat. The approach of night, and the loss of the fourth part of their forces, amongst whom were many of the knights, who had dismounted to attack the cohorts of the Hernicans, prevented the Romans from following up their victory; but on the following day the Hernicans abandoned their camp. As they passed beneath the walls of Signia, the colonists sallied forth upon them and completed the rout. The next campaign, 389 (394), brought with it all the results of defeat: the open country was ravaged by the Romans, and Ferentinum captured.

The Hernicans are said to have been finally subjugated in 392 (397). The Tiburtans, who had declared themselves in their favour, are stated to have submitted themselves in 396 (401) to Rome, after two of their towns had been captured, and a similar fate threatened the remainder. But both these accounts are merely an exaggeration of an ancient narrative, that in this year peace was concluded with them. For far from the Hernicans having obeyed Rome as subjects before 441 (446), they most assuredly received, no longer indeed the third part of the booty originally due to them, which was perhaps now disproportionate, but still an indemnification in money, and the independence of Tibur as a town in the Latin confederacy during the great Latin war is quite certain. It is true, that during the greatness of the Æquian nation, Tibur, like Præneste, had become subject to the Æquians, but it had since recovered its independence.

A connection between these two towns may be recognised at present in the statement, that Rome in the year 396 (401) concluded a truce with them both.

Velitræ and Privernum made demonstrations of hostilities at the conclusion of the Hernican war, probably because Roman citizens had been settled in two regions of their territory. The war which ensued certainly did not end with the capture of Privernum, for this town afterwards appears independent and powerful. A tedious war of eight years' duration against the Tarquinians and Faliscans (from 392 to 399) was terminated unprofitably by a truce for forty years. The Romans had met with various reverses in this war. In the first campaign the consul, C. Fabius, was slain, and 307 captive Romans were offered up in sacrifice by the Etruscans to their gods. In the second campaign the Romans kept themselves on the defensive at Sutrium. In 394 (399) the Etruscans ravaged the country as far as the Salinæ, after a combat in which the Roman soldiers had been panic-struck by an assault in which the Etruscan priests led on their troops with blazing torches and serpents in their hands. The fairest district of Rome on the right bank of the Tiber was now depopulated. The dictator, C. Marcius Rutilus, advanced along the left bank of the river, and having found a favourable opportunity, passed over and attacked the enemy: the camp of the Etruscans and 8000 prisoners fell into his hands. Yet the patricians refused to reward the dictator with a triumph, which had so frequently been granted for petty advantages on the eastern frontier, for he who demanded it was a plebeian. After a few more campaigns the enemy sought peace: Rome could lay down her arms with honour, for the sacrifice of the prisoners had been avenged by the execution of 358 Tarquinians.

Hitherto the annals had made no mention of any feud with Cære, but now the Cærites were accused of having taken part in the inroads of the Tarquinians;

at least they had not refused a passage through their territory to them, and Rome prepared herself for vengeance in 397 (402). The Cærites, however, obtained mercy, according to Dio, at the hard price of half their territory, probably of their common land, and a truce for 100 years was granted to them.

The appearance of a Greek fleet in 401 (406), which hovered about the Latin coast all the summer, and made frequent descents upon it, is extremely puzzling. The Romans fought here for the first time against Greeks. Who, and whence they were, is nowhere related in the annals, and the conjectures of Livy have no weight in such a matter. He guesses at the Sicilian tyrants, but quite erroneously; for during this year, just before the arrival of Timoleon, the Sicilians were distracted by domestic discord, without a fleet, and quite incapable of venturing an expedition on the sea, of which Carthage had the command.

In the same year in which Latium suffered from these marauders, or in the preceding one (Ol. 108. 3), Phalæcus embarked for Italy with the 8000 mercenaries, with whom he had capitulated in Phocis, on condition of their retreat being unmolested. It is true he did not attain his object, for a mutiny constrained him to sail to Crete. This was, however, a period of general and wild commotion in ancient Greece; troops were everywhere recruited, war fostered war; the inhabitants of the ruined towns and desolated districts became soldiers, and indemnified themselves for their losses by the plunder of other countries. Misfortune or restlessness often drove the noblest youths to join these lawless bands, or they were compelled, for self-preservation, to unite together. They often remained unemployed, and their leaders, to prevent them from dispersing, were obliged to venture on some enterprise, the booty of which furnished them with pay. At that time the war between Tarentum and the Lucanians drew the Grecian bands into Italy. Thither Archi-

damus of Sparta led the wreck of the hosts of Phalæcus, and fell gloriously for Greece, although at the head of a robber-horde. Such a band as this, embarked on shipboard, probably this very band itself it may have been, which, till it obtained regular service, made marauding descents on the coast of Latium. If they were on board the ships of a Grecian state, these can only have been Tarentine vessels.

The renewal of the treaty with Carthage in the following year may have been connected with this occurrence. Polybius seems not to have been acquainted with this treaty, as the one of which he speaks as the second, appears to have been that of 442 (447). Rome and Latium could not resist maritime attacks, but the galleys of Carthage commanded the sea as far as Lucania. Sardinia and the harbours of Corsica were in their possession, and the security of the Tyrrhenian sea was their peculiar concern.

A league with Samnium was concluded in 396 (401), either from a common interest in keeping off the Gauls, or because the Samnites on the upper Liris were only separated from the Hernicans by a few Volscian towns. Whilst most of the places in the Hernican district had now chosen the Roman or Latin franchise, a portion of them made an effort to maintain a separate existence. The Antiates recolonised Satricum in 402, as a thorn in the side of Latium; but the Romans destroyed that fortress again in 404 (409). The Auruncians were now persuaded by the Antiates to take up arms; these are the Volscians on the Liris, and it was Sora, a town of theirs, which was taken in the campaign of 405 (410). These conquests were earned in common with the blood of Romans and Latins, for the elevation of their joint dominion. The relations, however, of Rome and Latium were now become those of two nations, united merely by treaties and oaths, whose voices were fully equal in weight, but whose interests were frequently at variance, and whom jealousy and envy

still oftener tended to separate; relations, indeed, which were not only unlikely to last, but were even difficult to be endured.

CHAP. XLVI.

ROME IN LEAGUE WITH LATIUM.

IN what manner the league of 261 secured independence and equality to the Latin state, and how, as hostilities sprung up within that state itself, it gradually lost the form of a common state, and separate portions of it sought protection under the dominion of Rome; how again, when the star of Rome grew dim, they severed themselves from her; and how, on the dissolution of the Æquian state, Latin towns reappeared as states: all this has been already shown in its proper place. When the consulate was shared with the plebeians, the same separate states existed in Latium which had sprung up on the ruins of the Gallic period. Tibur and Præneste stood independent, each sovereign over a domain: many places, such as Tusculum, although united again amongst themselves, were still not prevented from entering into as close a relation with Rome. Antium was quite a foreign state, as well as Velitræ and Privernum. Yet one would in vain look for a determinate line of frontier; for Roman domains, either assigned or occupied, lay intermixed with Latin ones.

It is a doubtful question whether any towns of the Latin union were accessory to the hostilities against Tusculum, or only the Prænestines and their connections: it is quite evident that since the year 381 up to 392 (397), when the Latin contingents united themselves again, after a long interval of time, under Roman colours, relations of peace with them were never broken off; and the expression in Livy, that peace was granted at the prayer of the Latins, is

erroneous, and was occasioned by the very common confusion of a peace with an alliance. It was a peculiar treaty of alliance between two equal states, without any claim on the part of Rome to the recognition of her supremacy; in fact, it was a renewal of the league of Sp. Cassius. The general assembly of the Latins, which up to the final dissolution of the Latin state was held at the fountain of Ferentina, became again a sovereign assembly, as in the third century. There were, it is true, no longer thirty towns, as at that time; for besides those destroyed, several had not been again admitted.

The account that in the year when the chief command was vested in a Roman general the Latin troops acknowledged and saluted him, and that Rome had not the supreme command every year, but only in alternate years, is well grounded, for the nature of a completely equal league, such as that of Cassius, required this. The evidence of that league is likewise valuable for the times which came just before Cincius wrote, and only about 150 years had then elapsed since Decius.

With regard to the combination of the armies of the two nations into a single one, by the union of the centuries in the maniples, it is doubtful indeed whether it took place in accordance with the league of Cassius, although the introduction of it is ascribed to the second Tarquinius; but it certainly was the case during the last epoch of the league, so much so that when T. Manlius and P. Decius led their legions against the Latins, the conflict between the armies was just like a civil war. The centurion of each nation had had the command of a manipule in the alternate years, and there must have been a similar and corresponding alternation in the supreme command of the army. This equality of honour, as well as of profit, presupposes an equality in the number of soldiers in the ranks, which had been originally the case from the distribution

into thirty tribes and thirty towns. As Rome, when the league was renewed, numbered thirty-five tribes, there must have been a corresponding increase in the number of the Latin towns, or the larger towns were rated at an augmented contingent. For this purpose communities were divided, or strangers admitted, or such as were under the dominion of Rome passed over to the Latins. Thus respecting Signia, Setia, and Circeii, we know by name, that they, as colonies of Rome, were united with Latium: the same is understood of Norba and Cora, as well as of Ardea. These places, however, may not have been exclusively Roman settlements, but perhaps colonies restored in common by both states. Thus in the assignment of the Pomptine district in 375, which would resemble the settlement of a colony at Norba, probably even at Cora, *quinqueviri* were appointed, a number which nowhere else occurs for this business, which was generally entrusted to decemviri or triumviri, so that the conclusion seems obvious, that there were here *five* commissioners, because Latium appointed the same number as colleagues.

There was an alteration in the constitution of the restored Latin state in this respect, that it was no longer ruled as of old, according to Alban usage, by a dictator, but by two annually elected chiefs, as at Rome, named prætors. Concerning the form of the *diets* all express information fails; there is no trace of a permanently assembled senate, and there is a probability that it consisted merely of committees from the senates of single towns. That there was, however, a senate, is clearly shown by the mention of the *ten*, who accompanied the prætor as ambassadors. That under the name of the *concilium* of the Latins, we must not think of a general assembly without a congress of representatives, but rather one whose decisions were merely ratified for form's sake by the assembled people, is evinced by the expressions in which the discus-

sion is related, which preceded the embassy of the prætor Annius. They are peculiar to the transactions of a senate.

CHAP. XLVII.

ON THE EARLIEST CONSTITUTION OF THE MANIPULAR LEGION.

WHEN in the seventeenth century fire-arms were brought into a more convenient and manageable form, it was soon perceived, that a regiment furnished chiefly with them, had such decisive advantages, when more extended in front, over deep masses drawn up according to the ancient custom and armed principally with pikes, that, provided the necessary training could be given to each individual soldier, it was thought wiser to run the risk of the disadvantages, which once could not have failed to happen in close engagement against deeper columns, than to retain the old system of drawing up the troops. In a similar manner Iphicrates, about Ol. 100, had come to the conclusion that the phalanx could only be overpowered either by a preponderating increase of its mass and physical strength, through the augmentation of the depth of the columns and the thickness of the spears, or by the selection and training of the individual soldier for a service intermediate between that of the soldier of the phalanx and the sharp-shooter. It was evident that with the first system parties would, after a short time, stand again upon an equality; and that the improvement must be limited with the possibility of handling the spears: whilst the second method was not applicable to militia, but on the other hand secured to the regular soldier a decided advantage. Hence Iphicrates established the targetteer service, in which it is true he retained the spear lengthened by a half, but

by equipping the soldier with a sword of double the size hitherto in use, he enabled him to attack the enemy singly. For the Greeks in earlier times wore merely a short knife, like that of the Arnauts of the present day, and if the phalanx was once broken, the enemy equipped with a sword was soon master of the field. For a long time the new regulation had striking results: as, however, it was adopted only to a limited extent, and was not carried out to the perfection of which it was capable, Philip, whose object it was to secure a speedy decision of the contest, was enabled to choose with far more important results, the other system, which was better adapted to his people and his circumstances; and Greece was subjugated before any one thought of opposing the Macedonian tactics to themselves. They remained subsequently predominant, but next to them, though subordinate and imperfect, the weapon of the targetteer maintained itself.

We learn from Livy that the military arrangement of old was that of the phalanx, by which we may presume, that the Roman soldier of that time carried a lance of moderate length, and a knife instead of a sword. Many ancient regulations were retained amongst the Romans long after the Greeks had abolished them, as, for instance, the use of round Argive shields, for which Iphicrates found far larger ones substitutes, and the use of brass, which was still for so long a time cheap and abundant in Italy. Cæsar says, in Sallust, that the Romans had adopted the weapons of the Samnites; but what would be above all doubt if found in the writings of the great dictator himself, is open to suspicion when coming from Sallust. Few places have been handled so wildly by conjectural criticism as the passage above alluded to in Livy, for it is absolutely not understood. If it is now unavoidable, that Livy should be shown to have not comprehended in one point his own excellent account, and therefore to have communicated it erroneously,

this will less need an apology, since a text, perfectly consistent with itself, and confirmed by all manuscripts, will thereby be rescued from the violence of blind criticism.

According to his narrative the legion consisted at the beginning of the fifth century of five divisions or cohorts, the peculiar names of which he avoided, but we may term them battalions. They were the *Hastati*, *Principes*, *Triarii*, *Rorarii*, and *Accensi*. The two first together were called *Antesignani*, or *Antepilani*, as they were drawn up in advance of the standards and of the *Triarii*, who were likewise called *Pilani*. Each of them contained fifteen maniples, or thirty centuries; and a century is reckoned at thirty men besides the centurion in the scheme which supposed thirty plebeian tribes, and did not take notice of their diminution and gradual restoration. So far Livy is clear. But further on he found, that the three last were likewise each divided into fifteen maniples, but that always three, one from each cohort, or six centuries, were united under one *vexillum*, which consequently contained 180 privates under six centurions—and here he had lost every trace of the connection. But his error can lead no one astray, for the three last cohorts, according to his plan, would have contained 24,300 privates, and the entire legion, the utmost strength of which he in the same chapter rated at 5000, 26,100 privates, exclusive of 870 centurions. The entire cohort, as originally constituted, contained thirty centuries of thirty men, and no one can doubt that, when all was so regular and symmetrical, all the five cohorts must have been of equal strength, and consequently the legion must have consisted of 4,500 men. Of these there were 400 *hastati*, 900 *principes*, and 900 *triarii*, in all 2,200 men, who were heavy-armed troops of the line, and 200 *hastati* with 900 *rorarii*, in all 1,100 men who were light-armed. The same proportion was observed amongst the Greeks between the

light troops and the hoplites, and as long as the constitution of the phalanx was retained by the Romans, no other can have been in use. The 900 *accensi* were a depot-battalion, which followed the legion into the field.

Varro states, that of the three cohorts of the hoplites, the *hastati* carried spears, the *principes* swords, and the *triarii* the *pila*, whence they were named *Pilani*, and the explanation of these names became obscure owing to the change in the military system. In fact, not merely did the name *Pilani* disappear, but by a caprice of fate, in the manipular legion, which Polybius described, the *triarii* alone carried spears, and both the divisions drawn up in front of them *pila*. In the mean time, Varro's statement seems to be confirmed by the terms *Pilani* and *Antepilani*. It does not, however, follow that the *principes* had altogether laid aside the lance; but it may perhaps be inferred that the *hastati* alone remained still equipped with the knife, whilst the *principes* had obtained strong and straight swords, two-edged and adapted for the thrust, and had been taught the use of them in battle.

There were both light-armed and heavy-armed *hastati*; as well as slingers, the *rorarii* of Livy, who were omitted on the reconstruction of the legion. The light-armed *hastati* were supplied from the fourth class of Servius, the *rorarii* from the fifth. The phalanx was formed out of the three first classes. The *principes* must certainly be sought for in the first class, to which their splendid armour, and the name itself point; but the thirty centuries of this division did not exhaust the *juniores* of this class. The surplus ten centuries therefore must doubtless have been found amongst the *triarii*, whose name does not refer to their position, but to their cohort being made up of three divisions, the contingents of the three first classes, namely, the ten remaining centuries of the first, and just as many of the second and third class. An equal number of

centuries were furnished by these two latter classes for the hastati, which were equal in the strength of their centuries to the first division. Thus it seems to all appearance, that thirty centuries of the first class, without laying aside their lances, had obtained useful swords, and ten instead of lances carried *pila*, and in the same manner ten out of the twenty, which each of the two following classes furnished: the other half of their contingent remained unaltered, as well as that of the fourth class. What Livy states, that the younger and less experienced soldiers were drawn up in the front ranks, is quite erroneous, for it was not till the corps for the defence of the city was abolished, and the levy made immediately out of the tribes, that the soldiers were distributed according to their age and experience in the manner described by Polybius.

Equally erroneous is Livy's account of the order of the five cohorts in battle: on the march their maniples would have been arranged as he recounts. The duty of the *rorarii* was to open the battle together with the light hastati, who afterwards withdrew behind their heavy-armed comrades. It was the policy of the Romans to expose, at the commencement of the engagement, the least possible part of their main strength, and whilst the enemy tired themselves against their light troops, to reserve their chief weight of weapons for the decision of the combat. But when the enemy pressed on with more than ordinary ardour, or themselves followed the Roman system, then, indeed, the maniples were no longer detached singly, but advanced with their forces united. If the front was formed of the maniples of the hastati and principes, drawn up alternately, then was this in reality the system adopted by Pyrrhus, when he drew up alternately battalions equipped like the phalanx, and in the Roman fashion. Passages were left open for the light troops to manœuvre in, and for the *triarii* to advance. And certainly the introduction of a troop, which hurled the *pilum*, might

completely disorder an enemy which had struggled courageously against spears and swords, though it did not afford the protection which the advance of the *triarii* with pikes gave to overpowered ranks. It seems even probable, that the *pilani*, quite contrary to what Livy states, took part in the battle before the *hastati* and *principes*. The war with the Gauls, was the epoch when this weapon, by name, came into use. The Celts sought to engage man to man : and the lance was too feeble to resist their physical strength, and the impetuosity of their onset : but the *pilum*, driven home into their cumbrous shield, rendered it unavailable for use, and thereby exposed them to the darts of the different ranks, before they could come to close quarters ; and in general the *pilum* required some space to sling it in, in order to give it full effect, which could not be the case when the two first cohorts had joined in the engagement.

The statement is likewise doubtless correct, that larger shields were adopted, to resist the swords of the Gauls. The increase in the value of brass, must at the same time have suggested the employment of a cheaper material. They were, consequently, made of laths, and covered with ox-hides ; the outer rim being protected by an iron plate. Iron was now generally introduced in the place of brass for armour, more perhaps from the increased cost of the latter article than from the superior usefulness of the former.

CHAP. XLVIII.

THE FIRST SAMNITE WAR.

THE Samnites were now at the summit of their power, both in the extent of their dominion, and the amount of their population, certainly far surpassing Rome and her allies. From the lower sea, where they divided

Campania from Lucania, their townships extended to the upper sea, and their frontiers, stretching from the Liris down to the hill-chain of Lucania and the plains of Apulia, enclosed far more space than the territory which bears the name of Samnium in the maps; the Campanians, however, and the Lucanians, had become hostile to the mother-country. Samnium was not a single state, but a confederacy of separate and independent nations, jealous for their independence against each other. One of them, the Pentri, in the midst of a war against the Romans, ceased to take a part in one campaign; and a portion of the Samnites, the Caudini, received municipal privileges from the Romans. According to all appearances, the number of the Samnite nations, as of the Marsian confederacy, was four, being the ancient Sabellian fundamental number: the Caudini, Hirpini, Pentri, Frentani. The southern coast from Surrentum to the Silarus may have contained only ceded or conquered towns, and have formed no part of the confederacy. The bond of union amongst the Samnites was the same as in the Roman confederacy; reciprocal municipal privileges, and assemblies at which their magistrates and committees from their senates met together. It is clear that their decision was not final, but had to be submitted for approval to the senate and commons of each nation; but on occasions, when the general voice was loud in favour of any measure, the assembled delegates might, without fear, be made responsible for the execution of it. The magistrates had the power of proclaiming extraordinary days of meeting, and it may be considered certain, that the chief command circulated amongst the nations in turn. The dictator of assembled Samnium bore the title of *Imperator*. The Samnites were made up of Oscans and Sabines, probably in different proportions: it is clear that the new-comers once ruled alone, but they had united themselves in one nation with the old inhabitants, and had not remained separate, like the

Lucanians : this wise union had made the nation powerful. Their manners and character were Sabellian, their language Oscan.

Italy could not contain Rome and Samnium by the side of each other. Had the Samnites not measured themselves and their rival by their population, their courage, and martial spirit alone ; had they, like the Italicans of the seventh century, concentrated their sovereignty in a capital, as the only means of complete union, then the supremacy would have attached to their nation. But they, and all the great nations of Italy, fell through their own foolishness, in struggling for victory and safety merely with the means and contrivances which, when entire and unimpaired, had previously failed, whilst the Romans, unceasingly meditating on their great object, and suitably preparing for it, trained themselves up under adverse victories, like a vigorous youth under a severe teacher.

Since the year 331, the Samnites ruled at Capua, but the mass of the inhabitants was made up of Oscans, and the descendants of the old Tuscans: the mildness however of the Sabellian character, although the ruling Sabellians formed themselves into a distinct *populus*, was favourable to the preservation or recovery of freedom by the *plebs*. Whoever is intimately conversant with the essential features of the orders in Italy, must recognise in the 1600 knights at Capua, who took no part in the revolt against Rome, a body of Sabellian families, four races, which had refused to approve the plebiscitum concerning the league with the Latins and their confederates against Rome and Samnium. The hostility which Capua displayed against Samnium, may be best accounted for by a revolution which deprived the Sabellians of the supremacy, and enabled the old people to decide against the negative of the Campanian patricians. It is true, that by this time the blood and customs of the Sabellian families might have become completely mixed, and estranged from the Samnite

character; still it is only through these circumstances that we can explain the bitter scorn and hatred which had sprung up between the citizens and the mountaineers. The dissension between the populus and plebs, the former of whom might expect assistance from their powerful neighbours, made the feebleness of Capua, at that time, still more evident.

This city, the name of which ranks next to those of Rome and Carthage, and which might have dreamt of the sovereignty of Italy, was certainly not inferior to Rome either in size or population: but the numbers of the population of a town were not the same with those of its military force, nor even of its free citizens. Slaves must have been numerous in a state where there were gladiators; and great eminence in the arts, which in the old republics were practised solely by slaves, though perhaps under the superintendence of freemen, allows us to infer the preponderance of the number of the former in every manufacturing city. Probably the cultivation of the richest plain in the world gave employment to many freemen; but a city which revelled in unbridled luxury, in whose main street, the *Seplasia*, chests upon chests might be counted, in which ointments and perfumes were exposed for sale; a city in which such a senate and such a people disputed, as those which *Pacuvius Calavius*, at the commencement of the war with *Hannibal*, played off against each other; in which the people forgot all respect for the government, from an insensibility to its dignity, not from indignation at its unworthiness, and lived on in their luxury, when their most respectable citizens were cut off by a most terrible sentence, and only the lowest populace was left behind; such a city has had sentence pronounced upon it by history. Still the Campanians showed themselves faithful and true after the *Caudine* disaster, and *Decius Magius* can be named next to the most distinguished Roman; nor must we omit to mention, that the fine arts in *Campania* had reached the pinnacle of Grecian excellence.

The artists had attained the grace which remained foreign to the Etruscans, and the mechanical execution of their works was as excellent as the design. The poets and bards of Campania were not unacquainted with Grecian literature, and the burlesque comedies, the Atellan farces, were peculiar to them : these seem, generally, to have been *improvised*, and to have been the original of the Pulcinella.

The name Campanian certainly denotes citizens of Capua, but it was not limited to the town, as there was at that time a district of Campania, not indeed quite so extensive as the region marked out by Augustus, but consisting of the domain which Capua had acquired in her warlike days. The Falernian district, the Stellan territory, and the circuit of Vulturnum, Litternum, and Dicæarchia belonged to Capua. Besides these, the name of Campanians included the free towns which lay in a half circle round Capua and stood in the same relation to that city as the Latin towns did with respect to Rome. The ruling body of citizens at Cumæ, Acerræ, Calatia, Suessula, and Casilinum, had proceeded forth from amidst the Sabellian conquerors of Capua. Nuceria and Nola, the latter with a Hellenized population, remained faithful to the Samnites. Some of the old Ausonian inhabitants still maintained themselves, such as the Sidicini, whose city was called Teanum, and whose domain once extended to Fregellæ.

As early as in the fourth century, Campanian legions formed an important part of the foreign mercenaries who served in Sicily ; their courage and discipline could not be censured, not so however their fidelity. They listened unscrupulously to the offers of the highest bidder, without the slightest regard to military honour, and behaved like brigands in the towns where they were quartered, murdering the men, and dividing amongst themselves the women and children. So alluring was this service to the wild rabble of these countries, that in the time of Plato there was a risk lest the Greeks should be

extirpated from the island, and the towns become either Punic or Oscan. The militia of the opulent Capua resembled these wild wanderers only in name: they were defeated by the Samnites in the first engagement, and fell back upon the capital. The victors followed, and by their ravages in the rich plain around the city, drew forth the Campanians to a second engagement. The Samnites seem to have been satisfied by a second and still easier victory, for they certainly quitted the domain of Capua. Probably their troops served without pay for the sake of the booty, since hitherto their campaigns have neither the connection nor the continuance of those of the Romans.

Capua had very little to fear from a siege, but its domain lay exposed to the annual inroads of the Samnites, from which they could only be protected by an alliance with a more powerful state, or a compliance with such terms of peace as the victors might prescribe. In this emergency they turned their eyes to Rome, but since the year 396 (401), Rome and Samnium had been united by a league, to which the increasing approximation of their frontier, as well as the inroads of the Gauls, had served as an inducement. A league, in the acceptance of the nations of Italy, was by no means necessarily a confederacy for mutual assistance; its purpose was often merely to determine the legal relations of reciprocity between nations in time of peace, by limiting their right of war, and mitigating the horrors of it. Capua had, without doubt, much intercourse with Rome, and already the name of the *Porta Capena* may be regarded as evidence of it; it would, consequently, have had a compact with Rome, which might have merely regulated the relations amongst the citizens of both states.

The statement in Livy is certainly erroneous, that it was Rome alone from whose alliance, or if it must be, under whose sovereignty the Campanians sought protection: had not the Latins participated in the treaty,

they would never have carried on a war against the Samnites, nor would the mutiny of the Roman armies in the year 408 (413) have been attended with so little benefit to the enemy. Equally erroneous is the account, that Rome conscientiously rejected the alliance of the Campanians, until, when the envoys had surrendered up their country to the republic, they preferred the protection of their subjects as a higher duty to their fidelity to their allies. Capua stood not in this dependent relation towards Rome; the Romans would have visited the revolt of subjects with a far different punishment from that which befel Capua after the Latin war. An equal alliance would never have been bestowed upon a state which had once surrendered itself voluntarily, and then proved faithless, though it might have been granted to confederates, who had been misled, at the same time that the government was secured to the party dependent on the Romans.

The picture of the relations between Rome and Latium, and consequently of the defensive alliance with the Campanians, as drawn by Livy, is founded either upon the vain exaggerations of the earlier annalists, or on the ostentatious fictions of the later. The internal untruth may be revealed, and the fabrications recognised, but the facts destroyed and sacrificed to make room for these can only be discovered accidentally. The gods, however, did not refuse to Pelops his restoration to life, though they were obliged to bestow upon him an ivory shoulder, and so our labours may be likened to those of a naturalist, who disengages a skeleton of fossil bones from the foreign and adventitious particles which time has attached to it, and seizing the idea of the structure, displays the once living form in its outline: he may err, indeed, in a few individual links, for it is impossible, by the divination of the eye, to guess the complexion and peculiar form of life in all its fullness.

The following may be considered as nearer the truth

than that which now passes for history. In the year 407 (412), Campanian envoys appeared before the Romans and their allies, in order to be admitted to their alliance, and to obtain protection from them against the Samnites. Capua tendered the accession of the richest town in Italy, and of its dependents; and the Sidicini were admitted probably as connected with it. The senate of Rome, which presided that year, gave notice to the Samnites of the new alliance, and demanded that hostilities against the Campanians and Sidicini should be discontinued. The Samnites, however, considered this alliance with their declared enemy as a violation of peace: they haughtily adopted the alternative of war, and in the presence of Roman envoys gave orders to their generals to invade Campania.

Two consular armies were led thither; the one under M. Valerius Corvus was appointed to drive out the enemy from the territory of their allies; the other was to occupy the mountain-passes, and so cover the territory of Capua, and carry into Samnium itself the horrors of warfare. Valerius took up a position near Cumæ on Mount Gaurus, at that time fruitful and rich in vines, but now naked and barren. The history of the early events of the campaign, by which the consul had been driven into this angle with the sea in his rear and the deep Vulturnus between his army and Rome, and by which the Samnites had become flushed with the certain anticipation of victory, as well as the other points necessary to make the Samnite wars intelligible, are buried in eternal night. The engagement on Mount Gaurus, though it is seldom named, is one of the most memorable in the history of the world: it was decisive of the great struggle which had now commenced between the Sabellians and Latins, for the dominion of the world. In spirit and arms the Samnites were equal to the Romans, nor did superiority of weapons or of military knowledge determine the day, but mere physical endurance, and pro-

bably the despair of an army which had only the alternative of victory or annihilation. The main strength of the Samnites was in their infantry, whose iron ranks the Roman cavalry, always the weakest branch of their service, vainly endeavoured to break. Valerius recalled them, and distributed them in his flanks. Thousands had fallen round the Samnite standards, whilst the Romans assailed them with exertions incessantly renewed : both armies, as Livy beautifully expresses it, were determined to be vanquished by death alone. The day was far advanced, when a final desperate charge decided the battle. The Samnites wavered : disorder and flight spread amongst them, ere they reached their camp, which they abandoned in the night. The Samnite soldiers afterwards declared, that the eyes of the Romans seemed to burn with fire, and their looks were those of madmen, and that from this sight they fled in terror. Valerius was welcomed with exultations by the Campanians, but a second struggle awaited him, ere the land was free from enemies.

In the mean time his colleague, A. Cornelius Cossus, was on the brink of destruction in the same defile where the Caudine disaster happened twenty-one years later, or in a neighbouring one. His line of march lay from Saticula over the hills to Beneventum. The ranges of the Appennine run here parallel from the north in a southern direction ; between them lay well-watered fields, the roads climbing over the mountains, or cutting through the plains enclosed by them. The army was marching carelessly along, as no enemy was in sight, when on a sudden, as the head of the column entered a valley, the Samnites were discovered on the heights around. They were an entire army, and were already in motion to attack the rear guard. The road in front over the hills was closed, and ere the Romans could retrace their steps, their retreat was cut off. In this terrible crisis, the tribune, P. Decius, offered with the hastati and principes of a legion, about 1600 men, as a

century at that time contained twenty-seven men, to occupy a hill which commanded the road, along which the Samnites were advancing. The attempt was successful, and he maintained himself in his position against the renewed assaults of the enemy, whose attention was so distracted by this manœuvre that the Romans were enabled to gain the high ground again, and occupy in security a more favourable position. Under cover of the night, Decius effected a passage with his brave detachment through the camp of the Samnites, and rejoined his comrades by day-break. Their delight at the unexpected safety of the party was great, and the consul welcomed them with public thanks. On the suggestion of Decius, the army sallied forth to attack the enemy, before they should have recovered from their consternation, and achieved a signal victory. The numbers of the slain are evidently much exaggerated, and even the completeness of the victory seems doubtful, as the subjection of Samnium, the object of the invasion, does not appear to have followed. The retreat, however, of his colleague to Cumæ, may certainly account for the inability of the consul to follow up his victory.

Both armies seem to have been united in the attack on Suessula, under the command of M. Valerius. The Samnite army which had been defeated on Mount Gaurus had been rallied, and having collected numerous reinforcements, renewed its ravages in Campania. Valerius did not attempt to attack the enemy in the strong position which they had chosen, but having sent away his baggage and superfluous encumbrances, occupied with both armies a single camp. The Samnites, calculating that the number of his troops was in proportion to the size of his camp, were anxious to storm it, but their general would not permit it. The consul kept his troops within the camp, and hoped by his inactivity to tempt the enemy to venture forth from the city, and extend their ravages in a wider circuit.

They fell into his scheme, and the town was stormed in the absence of the greater part of its garrison. The marauding bands fell an easy prey to the victorious legions, and the trophies brought to Rome were so numerous, that we cannot but suspect the accounts to be exaggerated. Probably, as the honour of the Valerian family was here concerned, their kinsman of Antium, who romanced from inclination, imagined that he had an especial duty to fulfil on this occasion.

In the same year a separate Latin army invaded the territory of the Peligni, who were united by blood and by an alliance with the Samnites; an undertaking which seems to have been in undeniable connection with the general plan of this glorious campaign. In the following year the supreme command must have vested in the Latins, for Rome was paralysed by the mutiny of the army, and yet, notwithstanding this apparent inactivity, all the advantages gained in previous campaigns were maintained by the allies. It is even more probable that new advantages were obtained in the year 408 (413), but these were gained through the Latins. In the next year a single consular army under L. Æmilius, marched unopposed into Samnium: the war between Rome and Samnium was already ended.

By the complete subjugation of Samnium, Rome would have robbed itself of a counterpoise against the power of Latium and Campania. From this motive, peace was concluded without difficulty: it was sufficient for the honour of Rome, that Samnium should pay an annual tribute, and the Samnites were allowed to subjugate the Sidicini, about whom the war had arisen, and whose land separated Latium from Campania. A formal defensive alliance soon followed, evidently directed against those in conjunction with whom the Roman legions had formerly served, but whose increasing power now caused disquiet and jealousy.

CHAP. XLIX.

THE LATIN WAR.

THE consular year about this period commenced in the summer, nearly at the same time with the Olympiad : the campaigns fell therefore in the autumn, and as the winter was the season of repose, so it brought with it changes and alterations. In the year 409 (414), ere peace was concluded with the Samnites, the consul, C. Plautius, marched into the field against the Volscians of Privernum and Antium. The former purchased peace with two-thirds of their common land, of which Latium evidently received a joint share with Rome. The Antiates were defeated near Satricum, and their domain was ravaged down to the sea-shore.

On the termination of the war with the Samnites, as Rome had doubtless made peace in the face of previous treaties, new alliances must have been formed immediately. The Sidicini surrendered to the Samnites. The Campanians, on the withdrawal of the Roman garrisons, saw their only means of safety in the continuance of their league with the Latins ; they were even strong enough, when united, to fall upon Samnium with a more powerful force in the spring of the same consular year.

Like Rome and Samnium, Latium and the remnant of the Volscian name on the sea-coast had now composed their differences and effected an union. Fundi, however, and Formiæ kept aloof, and secured a free passage to the Romans. The triumphal Fasti likewise furnish evidence that the Hernicans did not unite with the Latins, yet even when united with them, Rome did not equal in population Latium and its connections. Neither Rome nor Latium was to blame for the separation ; it was the natural termination of an absurdly

arranged relation, and it was impossible that that termination could be peaceable and friendly. A severe struggle was to decide whether Rome should be a Latin state, or the Latins subject to Rome; and for this object the nation chose as consuls T. Manlius, and P. Decius the preserver of the army of Cornelius in Samnium. It was the year 410 (415).

The Latins, meanwhile, wished to escape the war by an alliance, which they proposed with some arrogance, in the confidence of their numbers. As far as Livy's narrative can be considered historical, the Romans undertook, at least in appearance, the office of mediators between the Latins and Samnites. A deputation of the *decem primi* of the Latin senate, in company with the two prætors, proceeded to Rome, where the Roman senate gave them audience in the Capitol. The envoys declared in the name of their nation, "It was evident that the relations established by their forefathers were no longer practicable, and must be placed on a different footing either by war or treaty. They were prepared to recognise the precedence of Rome, and to exchange the general name of the nation for that of the leading city in Latium. The Roman name might prevail in the place of the Latin. But Latium, now at the head of all the neighbouring people, was as little obliged as inclined to surrender its honour and freedom. Let there now be a true union of the two nations: let there be one government: let half the senate consist of Latins, and one consul be chosen from Latium." This proposal evidently entailed an increase in the numbers of the tribes, the probable abolition of the constitution of the centuries, and a complete change in the principles hitherto observed respecting the distribution of the magistracies, and hence scarcely gave more violent displeasure to the leading men, than to the individual Quirites, who saw their inheritance in the right of sovereignty divided and impaired. They even felt

alarmed lest the strangers might in time gain over the votes of their youngest tribes, who dwelt in the midst of them, and so outvote them in their own forum. The men in power also felt that their influence would be diminished, as well as their share in the chief offices of state by the alternation of Roman and Latin candidates. Yet the Latins had equity on their side, for had they demanded less, they would have confessed themselves the inferiors of Rome; and however contemptuously the men of Setia might be spoken of, yet Tusculum had furnished some of the noblest families of the Fasti. The senate however displayed its exasperation the more bitterly, inasmuch as the issue was already decided upon. They inveighed against the perjury and faithlessness of the Latins, and invoked the gods to avenge their cause. There were, however, some few individuals who did not conceal their wish, if a peaceable arrangement could be effected, to avoid a contest, the unrighteousness of which they could not conceal from their own minds, regarding it as little else than a civil war. But to prevent any proposal of concession, T. Manlius declared, that if the republic listened to their demands, he would come armed into the senate-house, and slay the first Latin that he saw there.

The Roman historian narrates that the Latin prætor, L. Annius of Setia, the spokesman of the embassy, had ventured to defy the Roman Jupiter, when the senate appealed to him for vengeance; but a peal of thunder straightway announced the presence of the god, and the guilty violator of the majesty of heaven, in his haste to quit the temple, fell down the flight of steps at the entrance, and was taken up lifeless. It was with difficulty that the magistrates could protect the envoys from the resentment of the people until they had quitted the Roman territory.

The Romans immediately devised and executed a plan of a campaign, amongst the boldest and most pro-

found that have ever crowned a general with laurels. Two consular armies, four legions, were assigned for this war; a reserve, made up of the seniors and city-legions, remained behind under the prætor L. Papirius in the neighbourhood of Rome. Probably, immediately that the negotiations were broken off, the two armies proceeded by forced marches into Samnium, through the territory of the Sabines, the Marsians, and the Pelignians, where their alliance with the Samnites furnished them with open roads and safe quarters: the cohorts of the Hernicans may have joined them. Had the Latins been well advised, they would have broken up their camp at Capua, and have marched immediately upon Rome, and thus have cut off the communication between the consuls and the city. They would thus have had to contend with the Romans alone, and if defeated might have fallen back upon their own territory and fortified towns, whilst in Campania a defeat was decisive for both parties. Capua, however, the occupation of which would extend the Roman dominion permanently beyond the Vulturnus, was too valuable an acquisition, and too spiritless in its own defence, to allow the Latins to think of abandoning it.

So unscrupulously have the Roman annals been garbled, that in some it is alleged that the Samnites did not join the Romans till after the engagement, whilst in the majority it is stated that the Romans advanced against Capua in conjunction with the Samnites. The engagement, however, did not take place near this city, but at the foot of Vesuvius.

When both armies were drawn up against each other, the consuls issued a prohibition against any person on pain of death engaging in single combat with the enemy on the outposts, for which inducements might easily present themselves, as the Romans and Latins were known to one another individually from their earlier campaigns. Such a restriction might be

considered necessary to prevent a general engagement ensuing at an unfavourable moment, as well as to obviate the possibility of treachery being contrived under pretext of ancient intimacy. The ordinance was doubtless no secret to the enemy. The son of the consul Manlius, at the head of a reconnoitring party, fell in with a Tusculan detachment, the commander of which derided the wise foresight of the general and the prudent obedience of his troops. The youth could not resist the taunt; they fought, and the braggart fell beneath his lance. Even a tender heart could not have pardoned his offence, for the discipline of the army had received a severe shock from the mutiny two years before, and the consequences might have been highly dangerous in a war like the present. Livy's account how the infatuated youth laid the bloody spoils at the feet of his horror-stricken father, who pronounced sentence upon him and allowed it to be executed, is magnificent; but a stranger may not admit this into his history. He may however narrate, after the great historian, how the comrades of the unfortunate youth burnt his corpse with the melancholy trophies of his victory, and refused to welcome the return of his father save with execrations.

A figure of more than human size appeared to both the consuls in a dream, and announced that the general on one side, and the army on the other, were forfeited to the infernal gods and mother earth. They thereupon agreed that he whose wing began to waver should devote himself and the hostile army lower world. Even before the battle the sacrifice to the which Decius offered up, foreboded misfortune; "it matters not," he replied to the aruspex, "if my colleague has met with tokens of success." The Romans pass over in silence the share which the Samnites took in that decisive day, but it was not in accordance with the spirit of that nation to remain idle spectators of the battle. Sabellian ranks were

doubtless arrayed against Oscan, as Latin against Latin.

When the Roman left wing wavered, Decius, who commanded there, determined to fulfil his vow, and according to the formula pronounced by the pontifex M. Valerius, devoted himself for the army. He then mounted his horse and dashed into the midst of the Latin legions, like the Spirit of destruction; Terror preceded him, and when he sank pierced with darts, the Latins faltered, but they were not yet vanquished. The consuls, however, foreseeing the necessity, had armed the *accensi* as troops of the line, and made them advance to the support of the *antesignani*. The Latins thereupon brought up their *triarii*, according to the old system, nor was it till these had tired themselves out against the *accensi*, that Manlius made his *triarii* advance. This manœuvre decided the day: the Latins fled, and scarcely the fourth part of their army seems to have escaped. Their camp was stormed by the victors, and many prisoners, chiefly Campanians, fell into their hands. The body of Decius was found beneath a heap of slain, and splendidly interred.

The remains of the Latin army rallied themselves in the Ausonian city Vescia: the Campanians had already abandoned them, and made peace with the conquerors. A general levy *en masse* was proclaimed by the Latin general Numicius, who, trusting to the great loss sustained by the Romans, ventured on an attempt with his disorderly army at Trifanum, between Sinuessa and Minturnæ, to prevent the consul from passing over the Liris, but the Latins were so utterly defeated, that the whole confederacy dissolved itself and the cities submitted themselves singly to the victor. Some few, however, seem still to have continued hostilities. The blood which must have been shed according to the immutable principles of Roman conquest, is veiled from our sight by the gentleness of history. All the information which we have, is respecting the

distribution of the Latin common-land, which on the dissolution of the league fell to the victor's share, and was distributed amongst the Roman people, with two thirds of the Privernian domain and of the Falernian district up to the Volturnus, the last being the property of the Campanian republic. An extensive tract of common-land was still preserved for the people of rank, for on this side of the Liris only $2\frac{3}{4}$ acres a head were assigned, and on the other $3\frac{1}{4}$. The Campanian knights, who had remained faithful to Rome, received municipal privileges, and an obligation was laid upon the republic of Capua to pay to each knight an annual revenue of 450 denarii. This revenue was assigned to them in place of the Falernian district. The amount of the entire sum 720,000 denarii, for there were 1600 knights, is a remarkable proof of the great opulence of Capua.

What the Samnites gained by this war is not quite clear; probably they extended themselves towards the upper Liris. Capua escaped from them, yet their alliance with the Romans cannot be censured as unadvisable. Latium, if victorious, was quite as formidable as Rome: Rome and Latium if united, with their power unimpaired, into one state, were still more dangerous to them than victorious Rome; at present however both people bled and weakened each other, ere they united under one sovereignty.

In the same year 410 (415) the prætor, L. Papirius, was named dictator against the Antiates, to repress their ravages. Livy assures us that this occurred after the return of Manlius, but it is much more probable that it happened during the campaign in Campania. Then, indeed, there was every reason for leaving behind a dictator, before the consuls removed so far from the city: but none after the return of Manlius.

Antium carried on for some time a defensive war, and by her perseverance excited some other towns to

revolt in the following year, 411 (416). An army of the insurgents from Tibur, Præneste, Velitræ, Antium, and Lavinium, assembled at Pedum, on the Prænestine range of hills. The consul Q. Publius defeated them in a pitched battle, but his colleague was unable to take Pedum. The conquest of Latium was completed in the year 412 (417). The Latins no longer ventured into the field, but confined themselves to defending their towns, and mutually succouring each other. The consul, C. Mænius, defeated the Veliternians, Aricinians, and Lavinians, who had marched to avenge the Antiates, at the river Astura. L. Camillus repulsed the Tiburtians and Prænestines, who attempted to succour Pedum, and on the same day stormed that city. After this the Latins laid down their arms, and Roman garrisons were placed in their towns. The consuls, having established every thing in security, celebrated their triumph on the last day of September.

Rome, however, was weakened by its very victory, for it had lost the troops that formed the half of its legions, but the policy which the senate adopted, was wisely suited to meet this difficulty. The Latin nations were divided : some, indeed, raised to the privileges of Romans, were thus separated from their ancient kindred, and arrayed against their wishes and designs : the most powerful towns were weakened and humbled, whilst the nation generally looked on unconcerned.

Livy's instructive notice of the final fate of Latium, though extremely complete, is yet not free from great inaccuracy. He states that Aricia, Nomentum, and Pedum, received the same privileges with Lanuvium, whereas Lavinium is here clearly intended to be written, for the statement is disproved by evidence in Festus. The Lanuvians were isopolites, and subsequently were admitted to the full citizenship by the incorporation of their district in the Mæcian tribe, whereas the former towns received only the lowest description of municipal privileges, that of subjects without a vote. The

Antiates were deprived of their galleys, and forbidden to navigate the sea with armed vessels. Their town was made a Roman maritime colony, and received accordingly 300 colonists. Yet the old citizens were recognised as such, and still allowed to possess a portion of their ancient property in the soil. Velitræ was most severely treated; its walls were razed to the ground, and its senate banished beyond the Tiber. This town belonged to the Scaptian tribe, and it is possible that it was assigned to them after the year 417 (422), and that the Roman colonists did not form a distinct community. Tibur and Præneste lost part of their domain, but were readmitted to isopolitic privileges. The Laurentians obtained the same terms, and perhaps several others, which have been overlooked.

The Latins were prohibited from holding a diet, nor was any *commercium* or *connubium* suffered to exist between the different towns. They thus gradually became strangers to each other, and thence hostile. Capua, Cumæ, Suessula, Fundi, and Formiæ were admitted as allies to the same municipal privileges that Latium had enjoyed. Their independence was complete, but they were not placed upon an entire equality with Rome, nor were their troops united in maniples with the Roman soldiers as had been the case with the Latins.

The recollection of the victorious termination of this war, was preserved by monuments. The beaks of a portion of the galleys of the Antiates were cut off and connected with the decorations of the rostra. According to Livy, statues on horseback were raised to both consuls. Pliny's silence is no proof that L. Camillus did not share in this honour, for so many ancient statues had been destroyed: but his assertion that the statue of C. Mænius had been placed on a column, is too decisive not to be considered as strongly corroborative of the annals.

CHAP. L.

THE LAW OF THE DICTATOR Q. PUBLILIUS.

SINCE the proportion of plebeians in the senate and their personal importance had become enlarged and was continually increasing, and as the nobler-minded patricians who strove joyfully onward with the leaders of the plebeians became daily more numerous, an important and angry schism must have arisen between the majority of the *patres conscripti* and the general council of the *patres*, the *curies*. It could not fail to happen that the majority in these, inexperienced in the conduct of affairs, and irresponsible for the result, bewailing the times when their claims to ancient privileges were defended by the senate, should raise a protest on all occasions, and in their exasperation cry down the more intelligent of their order as apostates. Such a state of things, where a faction, daily losing ground in proportionate strength and importance, interrupted the governing functions of the senate, required to be put down.

That it was not an array of party feeling merely on one side against the other, but of the intelligence of good citizens and of friends to their country against mischievous disturbers of the public peace, is shown by the fact that it was a patrician, belonging to one of the most ancient families, the consul Tiber. Æmilius, who on the termination of the campaign of 411 (416) invested his colleague Q. Publilius Philo with dictatorial power for the purpose of repressing this evil by a law, which, had it been proposed by a tribune, would have had a far more stormy career. It is absurd to talk of the consuls being opposed to the wishes of the senate, for Philo must have been nominated to the dictatorship by the senate, and as he could only pro-

pose laws to the centuries or the curies, not to the tribes, so he could only do this by virtue of a decree from the senate. Consequently they were not the arrogant schemes of a demagogue, but resolutions of the senate, in which body the majority, as twenty-seven years only had elapsed since the Licinian laws, must still have been patrician. Besides, Q. Publilius, through whose family, as he was probably a descendant of the tribune Volero, the commons had become a branch of the legislature, was certainly, both from his descent and his personal character, called upon to complete the freedom of his order.

That it was found necessary to appoint a dictator to pass the law, shows that a violent resistance was expected; perhaps the senate wished to extort from the curies a renunciation of their privileges by fear. In such circumstances the fiction of free acceptance in deliberative assemblies betrays itself, as it was probably intended to control all resistance by means which were at the command of the supreme government. The first law ordained that the patricians should declare their assent to all bills, proposed to the centuries, before they were put to the vote; in other words, the veto of the curies as far as regarded the legislation of the centuries was abolished. The impediments in the progress of legislation were abundant; for no decree could be passed by the senate, except on the proposal of the consul, the prætor, or the dictator, and the centuries could only vote on such decrees in the simple affirmative or negative, but could make no alteration. If they rejected a salutary proposal, the curies could not mend the matter: if, on the other hand, the senate and centuries were unanimous, it is not conceivable that the refusal of the curies could have any other grounds than prejudice and spite. When the sentiments of the curies were re-echoed by the senate, their confirmation was a superfluous formality, useful only as a memorial and relic of the past. It was otherwise,

however, with their confirmation of elections to curule offices, in which the senate had no voice, and any veto against an entirely free election might appear salutary, or the less prejudicial of two evils. They retained the veto on these occasions for half a century, till the foolish pride of the oligarchy, and its hostility to the nobility, now fully formed, rendered it impossible to leave in their hands the means of interrupting the public peace.

The abolition of the veto of the curies was settled by the contents of the second law, which was expressed in the same words as that of the consuls L. Valerius and M. Horatius, and that of the dictator Q. Hortensius: "that *plebiscita* should be binding on all Quirites." Hitherto a decree of the senate and the confirmation of the curies had been requisite: now the former was sufficient to raise a plebiscite into a law. The senate now represented entirely the patres, and posterity forgot that the patres, who approved or rejected laws, had ever been different from that body. If then, indeed, the people once more stepped in, for the name of commonalty has ceased to be strictly appropriate to it, into the place of the ancient *populus*, wherever it had been usual in times past for the latter to approve and confirm the decrees of the senate: yet later, on the development of the constitution, it was ordained that the commons should vote as a third branch of the legislature, and might reject measures. It became now customary to speak of the *tribunes* proposing to the *populus* resolutions drawn up by the senate respecting the administration of affairs, which hitherto had been confined to the assembly of the curies: and this mode of speaking became so firmly established that we cannot wonder that the annals, even in earlier times, on occasions when the plebs only appeared as confirming a preceding "*jussum populi*," spoke of proposals laid by the tribunes before the *populus*, with which, in its proper meaning, and so far

as the centuries were understood by that name, the tribunes of the people neither did nor could transact business. When, however, finally, the people represented the populus, and at its decisions the auspices were essential and indispensable, the tribunes must have observed them on such occasions, and thus it may have happened that they then even took the auspices.

The most desirable step at the present conjuncture would have been the creation of a new power which might give weight to the resistance of the senate against the people; a body of knights, formed out of both the old orders: an idea which in an undefined and unattainable form floated before the minds of later generations. But such a proposal would have been rejected as little less than the entire destruction of rights, the recovery of which was always dreamed of.

Several alterations, which at an earlier period would have met with no slight opposition, were introduced later as a necessary consequence of new relations. The third Publilian law, which applied the Licinian law to the censorship, that at all times one of the censors must necessarily be a plebeian, met, like the others, with no resistance. It was salutary by removing all the causes of irritation: the right of the plebeians to the office was conceded by the election of C. Marcius.

By whatever means the assent of the curies to the two first bills was obtained, they were adopted in a legal form, and the benefits resulting from them were sensibly felt for a long time. Internal discord was banished, and the golden period of Roman virtue and heroic greatness commenced, which awakened the attention of the Greeks, and filled them with astonishment at the soaring progress of a barbarian nation: a period which the world has only once beheld, and on which even Cato the censor looked back with melancholy regret, as from amidst a race already degenerate.

CHAP. LI.

DOMESTIC HISTORY DOWN TO THE CAUDINE
PEACE.

IN several years of this period traces may be observed that the patricians had not yet renounced the idle dream of regaining their lost privileges, but their attempts, though vexatious and harassing, were not formidable to the public peace. A treasonable design of this nature is clearly intimated in the almost annually repeated appointment of a dictator for presiding over the elections: and in the fact, that a plebeian nominated to this office was forced to abdicate on frivolous pretexts, and was followed by a lengthened series of interrexes, ere the election of consuls could be completed. It is more probable that these presidents rejected the votes in favour of the plebeian candidate, or that the curies refused their confirmation, than that the comitia were put off; the patricians did not wish for anarchy, they only wished to control the elections. Of these contests, indeed, Livy found but little narrated in the scanty annals, but Cicero has furnished ample notice of them in the Brutus: they were invariably terminated by an election in conformity with the Licinian law.

In the year 418 (423), thirty years after that, as a consequence of the Licinian laws, the prætorship had been separated from the consulship, that dignity was, for the first time, enjoyed by a plebeian, Q. Publilius Philo, the author of the salutary laws which bear his name. Then, indeed, and for some time afterwards, the lower curule offices were not considered as ascending steps to the highest, from which it was impossible to descend again. The prætorship and curule ædileships were objects of ambition, even to those who had enjoyed repeated consulates and triumphs, and the more

so now, since the laws of 408 (413) had limited the repetition of the consulate: the change seems first to have been introduced when the ædileship had become so heavily charged with public burdens, that in order to induce Roman parsimony to undergo them, it was declared indispensable to have borne that charge, ere an avenue could be thrown open to the higher dignities.

Of all the men of his order, none surpassed Q. Publilius in that authority, which it was requisite for him to possess, who was to open to his order the career of a new office; but, as the legislator of the year 411 (416) he had a direct claim to it. In the absence of other evidence we must acquiesce in what Livy narrates; that the patriotic consul, C. Sulpicius, the president at the election, refused to admit votes in favour of the plebeian candidate. The senate, however, as more important privileges were lost, withdrew their resistance in this case. It is, however, very incredible that an individual plebeian, however great his personal authority might be, should have attempted to force himself into an office which was closed against persons of his order; and it is no less improbable that he should have succeeded accidentally, without establishing some certain rule for future occasions.

It certainly must have been provided by a law, that the prætorship should be enjoyed in alternate years by the two orders, ere a plebeian candidate could have ventured to solicit it; and doubtless in the same way in which Publilius had obtained for the plebeians a participation in the censorship, he must have succeeded likewise in the case of the prætorship, perhaps by virtue of the fourth law, passed during his dictatorship, and which Livy has omitted. For this reason he was the first plebeian prætor, just as he was censor for the next lustrum, and this too, by no means accidentally. This expedient for securing the equilibrium of the orders was peculiarly Roman in its character. The meagreness of the *Fasti* denies us examples of this participation, which could only have taken place in

alternate years, as long as there was one prætor, but after the establishment of a second place must have been in conformity with the other curule offices ; when four prætors were annually nominated, two were patricians, and two plebeians, even during the war against Hannibal, when all the laws respecting elections were suspended, lest by any means superior talents might be excluded from office.

The abolition of the pledging of the person for debt, delivered the whole plebeian order at the same time from a degrading stain and a cruel tyranny. It has been shown that the system of bondage for debt pressed upon the plebeians alone, and that it was continued in its full force even after the legislation of the XII Tables. This important alteration in the civil law, the influence of which upon civil relations was certainly as great as would have resulted from an alteration in the constitution, has been fixed by Livy expressly in the year 424 (429), and as its introduction must have taken place within a few years of this time, I shall investigate the subject in this place. It is, however, more probable that this law, the occasion of which, as it is reported, arose out of the Caudine disaster, was brought forward by C. Pæteli^{us} as dictator in 435 (440), and that Livy, or his predecessors, assigned it erroneously to his consulate, which happened twelve years earlier.

All authors agree in narrating that a youth who had pledged his person for his father's debts, was compelled, by the shameful cruelty of the usurer, to throw himself upon the protection of the people assembled in the forum, who extorted from the senate the abolition of the law. Livy and Dionysius both call this unfortunate youth C. Publilius, but Valerius Maximus styles him T. Veturius. The two latter agree in stating that his father being an officer at the capitulation of Caudium, had fallen into distress. These discrepancies, together with the designation of the usurer as the proudest patrician of the time, L. Papirius, render the story

suspicious, as originating perhaps in a spirit of animosity, but it is not to be doubted that the bondage for debt of the *nexus* was abolished by a Pætelian law. This law forbade the pledging of the person for the future, and released all those who could swear that they had sufficient property to discharge their debts. So much for the *nexi*: the *addicti* were secured against chains and bondage, with the exception of those who were sentenced for delinquencies.

Goods were rendered liable for debts in the place of the person, in a twofold manner. A fictitious transfer of quiritary property in pledge, the *fiducia*, was substituted in the room of the *nexum* of the person: and adjudication of goods in the place of the *addictio*, where the contract had not been concluded in the form of a *nexum*, because the borrower's quiritary property was not adequate, or it had been so determined on other grounds, or when the debt had been incurred in any other manner than by a loan.

The adjudication of a debtor's goods to his creditor by the prætor entailed upon him degradation from his tribe, and civic infamy, and this followed not only in a case of complete bankruptcy, but even when the debtor happened to recover possession of his fortune. The abolition of *nexa* did not prevent a father from selling his son with the condition of re-emancipation, or absolutely; and this practice must have often occasioned in substance real bondage for debt.

CHAP. LII.

ALEXANDER OF EPIRUS.

As the object of this treatise is to throw as much light as possible on the history of Rome, it will be of the greatest importance that the reader should be made well acquainted with those nations and states with

which Rome contracted either hostile or friendly relations, so that the extent of their power, the nature of their constitution, and their manner of life may be known to him, and not merely a catalogue of bare names. The expedition of Alexander of Epirus gives occasion for an episode of this kind. This expedition, it is true, had no immediate connection with the history of Rome, excepting so far as a treaty is concerned, which however was attended with no consequences, but it exercised a decided influence on the relations between Rome and the various nations of Magna Græcia. The Greek cities in the south of Italy were entirely ruined by their wars with the Lucanians and the elder Dionysius. Posidonia, which had been obliged to receive a colony of barbarians, had not by any means met with the hardest fate amongst those which had been forced to open their gates to the enemy. Other towns remained waste, or had but a small population composed of strangers or a remnant of their former inhabitants, who had recovered their freedom. Those even which had maintained their independence had still lost the flower of their citizens, and were confined to the narrow limits of their walls, having once been the lords of the surrounding country.

Tarentum, as it appears, had remained neutral during the war with Dionysius, and a similar separation on her part from the common cause of the Italiots was probably the reason why the Lucanians did not carry their arms into her territory till late. On the other hand, the Tarentines carried on a war against Thurii, already hard pressed by the Lucanians, and continuing a hopeless struggle against them with a perseverance quite unusual amongst the Greeks of that period; they seem to have forced it to cede to them a portion of its territory. But when the insurrection of the Bruttians had separated the Lucanians from the southern Italiots, they turned their whole force in the direction of the Siritis, and Tarentum, though united

with Metapontum and Heraclea was unable to resist the Italian cohorts with their own militia, although Tarentum in the middle of the fifth century, then just commencing, numbered 20,000 infantry and 2,000 cavalry amongst its own citizens. In this city democracy had long been established, since its aristocracy had fallen in the dreadful defeat which the Messapians inflicted on it. Its population was made up of Greek as well as of Italian races, most probably enrolled in as many different tribes, but the descendants of the pure Dorians enjoyed certain distinct privileges until that disastrous day produced a general equality. This mixture amongst its citizens seems to have infused into Tarentum its peculiar Italian character. The manufacture and dyeing of wool must have been the principal source of its wealth; and a trade with the interior in salt connected it naturally with Samnium. On the other hand, the absence of all connection between Tarentum and Greece explains why the former never exhibited itself as a great maritime power, notwithstanding its numerous shipping and productive fisheries.

The memory of the Tarentines has been regarded with contempt from the frivolous levity with which they embarked in their war with Rome, and from the little respect with which Pyrrhus treated them. This, however, is somewhat unjust, at least with regard to the earlier times. The democratical constitution of Tarentum rendered the employment of mercenary soldiers as excusable in her as in Athens. The first Greek prince that entered into her service was Archidamus of Sparta, of whose expeditions nothing more is known than that he was slain with his entire army on the day of the battle of Chæronea by the Lucanians. So despicable already was the degeneracy of the Grecian spirit, that far from its being considered as highly tragical that on the same day Athens should have lost her liberty, and the heroic king of Sparta,

the son of Agesilaus and father of Agis, his life, that on the contrary it was looked upon as an act of vengeance on the part of the gods, in consequence of Archidamus having succoured the Phocians, and of many amongst his soldiers having on a previous occasion been paid with gold taken from the temple.

Diodorus states, under Olymp. 108. 3. (U. C. 409), that Archidamus received an invitation from the envoys of Tarentum to pass over into Italy; but he does not here so much intend to give the true date of this event, as to relate at the conclusion of the sacred war how the powers above punished all the participators in the sacrilege. The descent of Archidamus upon Italy was somewhat later, in Ol. 109. 1. The time fixed by Livy for the landing of Alexander of Epirus is erroneous. He is equally mistaken as to the person of the Greek prince.

On the defeat of Archidamus and his army, the Tarentines took into their pay Alexander of Epirus. This prince, the brother of Olympias, had been made king of the Molossians by his brother-in-law, Philip of Macedon, who in elevating his relative, and thereby honouring his own family, did not lose sight of precautions to keep him still in dependence, as Ambracia received a Macedonian garrison. It was probably the feeling of comparative insignificance and conscious weakness which incited Alexander to pass over into Italy, in the hope of being received by the helpless remnant of the Grecian population as a welcome protector, and of possibly establishing there an independent kingdom. The Tarentines however did not surrender their liberties so entirely into his hands, but treated him as the servant of the republic. Hence an animosity sprung up, which burst forth subsequently into open hostilities, for which the Tarentines have been reproached with ingratitude, perhaps without sufficient reason.

The king of Epirus is said to have complained of the unfairness of destiny in allotting to his nephew a

career of easy victories over women, and to himself a series of difficult struggles against men. With no less partiality it has furnished historians to the Macedonian monarch, and has preserved to us their works, whilst the Epirot has been favoured merely with accidental notices in works on general subjects, and these have perished. The year of his death is alone certain, not that of his landing in Italy, nor even the number of his campaigns.

He first turned his arms against the Messapians, and having concluded an alliance with the Brundusians, Peucetians, and Metapontines, transported the hostages which he received from them into Epirus. He next undertook the conquest of Lucania and Bruttium, and transferred the theatre of war to the coasts of the Tyrrhenian sea, by effecting a landing at Pæstum. The Lucanians and Samnites were unable to resist the Macedonian phalanx, and Rome concluded an alliance with him in 418 (423). At this time the Tarentines seem to have joined his enemies, as Heraclea, which he conquered, is spoken of as one of their colonies, and the tide of war seems to have already turned against him before the battle of Pandosia. Cut off from the Tarentine gulf, the base of his operations, and deserted by his Italian allies, he found himself obliged to attempt a hazardous retreat through the mountains, and was slain by the Lucanians with the remains of his shattered army in attempting to ford the swollen stream of the Acheron.

Tarentum seems after this catastrophe to have exercised greater influence than before, as the Lucanians never recovered entirely the disasters of this war, and its alliance with the Samnites encouraged it to attempt the protection of other states against Rome. The star of the Bruttians rose, as that of the Lucanians sank. Croton, to which they laid siege in revenge for its alliance with Alexander, was only rescued from them by the powerful aid of Syracuse.

The alliance with Alexander is a blot upon the history of Rome. No pressing danger justified this measure; it merely indicated the hostile intentions of Rome towards Samnium, inasmuch as Rome, though it did not co-operate with him, recognised the conquests which Alexander flattered himself with accomplishing. Within six or seven years after this Alexander the Great died at Babylon, and there indeed the envoys of the most distant nations of Europe and Africa had assembled to do him homage. Arrian relates as certain, that amongst these were the ambassadors of the Lucanians, Bruttians, and Tyrrhenians, and this is confirmed by Aristobulus and Ptolemy. The two former nations may reasonably have been anxious to secure the favour of Alexander, from a fear lest on his return from the east he might feel inclined to avenge his kinsman. An embassy of the Romans likewise to Alexander is mentioned by Clitarchus, nor does Pliny in relating the circumstance throw out any doubts about it. It is not impossible that the same people are meant when the Tyrrhenians are spoken of; nor does the silence of the Roman annalists warrant us in rejecting this account, as the national pride was doubtless interested in effacing the recollection of such an embassy. There is a curious notice in Strabo of a negotiation between the Romans and Alexander, which has hitherto been overlooked; the latter had seized some pirates belonging to Antium, and sent them back on condition of their abstaining from future mischief. This might have furnished occasion for the embassy, although it is more probable that their alliance with Alexander of Epirus was the true reason of it, as well as of the lenient treatment their subjects received from the Macedonian king. That the Romans had never heard even of the name of Alexander, as Livy states, is ridiculous; nor does Livy show greater intelligence in his treatment of the question as to the probable issue of the conflict between the

Romans and Alexander. Alexander might not improbably have contented himself with an "Hegemonia" in Italy as he had done in Greece, to which the Romans and Samnites might have submitted with less reluctance. Besides, it is difficult to suppose that the nations of Italy would have made common cause against the threatened invasion, and still more difficult to believe that the Romans would have been singly strong enough to resist him, as we know that forty years afterwards their power, then much increased, was severely shaken by the far inferior forces of Pyrrhus. Alexander would have passed over into Italy, having achieved the conquest of Africa, not merely with 30,000 Macedonians, but with as many thousands of Greek phalangites as he might have been pleased to levy as master of the treasures of Italy; and instead of a crowd of Persians and Medes, he would have brought in his train a host of Africans and Spaniards.

CHAP. LIII.

FOREIGN RELATIONS DOWN TO THE SECOND SAMNITE WAR.

IN the same year 418 (423), according to Polybius, the Romans concluded their first peace with the Gauls, evidently from the same motives as their treaty with Alexander of Epirus, in order that they might have nothing to fear on their northern frontier during the war with the Samnites. Livy relates under the same year that a dictator was appointed from a rumour of an intended inroad of the Gauls, but that the alarm proved unfounded. This statement is evidently connected with that of Polybius: but the fact was passed over in the annals, since the peace must have been obtained at the sacrifice of costly presents, or of an annual tribute. As the entire territory subject to the Romans was pro-

tected from invasion by this peace, a final stop must have been made to the advance southward of the Gauls, as the only practicable road lay through Umbria, now subject to the Romans, and along the lower district of the Tiber. There is, however, an apparent contradiction between the two authors, as Livy makes mention of a second alarm in 421 (426), when again the enemy failed to make his appearance; and Polybius passes this over in silence. It may, indeed, have been the case, that the Romans suspected the barbarians without reason, and that Polybius did not think a mere alarm worthy of notice; or a new swarm of them may have crossed the Alps, who did not consider themselves bound by the agreement of their countrymen. Either of these explanations is more probable, than that Polybius, who is generally so cautious and so exact in his chronology, should have made a mistake as to the year in which the peace was concluded.

The Sidicini, on the termination of the war between the Latins and Romans, still continued to carry on hostilities with the Aurunci, their former allies, but now the subjects of Rome. In consequence, a Roman army laid siege to Cales, a town of the Ausonians, which was in alliance with the Sidicini. Cales, which is situated between the Liris and Volturnus, was of great importance as an outpost to protect the Falernian district which had been assigned to the plebeians, and equally so as keeping up the military communication with Capua. The town was taken by storm in 415 (420), and in the following year a colony of 2,500 persons was sent, being the first Latin colony since the relations with Latium had been changed. It was without doubt made up of Quirites, outburghers, and allies on a footing of equality, and was the first of the fortresses established by Rome on the Samnite frontier with a view to offensive warfare; for these colonies must be considered as fortresses, and the colonists as frontier-regiments.

Privernum and Fundi revolted in the year 320, but

were soon reconquered. The former town seems to have displayed a formidable resistance, as the consul *Æmilius* received the surname of *Privernas*, in honour of its capture. Its walls were razed to the ground, and those of its senators who had taken part in the insurrection were transported to the other side of the Tiber. The rest of the citizens obtained honourable terms in consequence of the bold tone which their envoys assumed, and by which the Romans perceived that they had only the alternative of extirpating or pardoning them. For the first ten years they were only admitted to the privileges of isopolity, but in 431 (436), the *Ufentine* tribe was established, the chief town of which was *Privernum*. After the capture of *Privernum*, a small detachment of Romans was sent to *Anxur*, which commanded the road between *Privernum* and *Fundi*. From the great importance of this post, the Romans were unwilling to trust it out of their own hands, and established there what had the appearance rather of a garrison than of a colony, for the number of colonists was only 300, like the old *Romulian* colonies, and the allotment of arable land only two acres. The limited extent of this was of less importance here, where the plough, from the nature of the soil, could scarcely be employed, and the tract of common pasture-land on the mountains was very considerable.

Of the roads then leading into *Campania*, the one which *Appius* subsequently constructed was thus secured. On the other, called the *Via Latina*, the Latin colony *Fregellæ* was established in the year 423 (428), and apparently a considerable extent of territory was allotted to it. The establishment of this colony was evidently preparatory to a war against the *Samnites*, for as it had been conquered by that nation from the *Volscians*, its territory, according to Italian international law, had become their property. They consequently demanded that the Romans should break up this colony, when the latter complained of the succours sent by the *Samnites* to the *Palæopolitans*.

Palæopolis, formerly called Parthenope, was a colony from Cuma, which itself was of Chalcidian origin. It was situated in all probability not far from the entrance of the gulf of Puzzuoli, at the western foot of Posilipo, opposite to Nisida, between which island and the shore there is excellent anchorage-ground. Neapolis, which was founded by Cumans and others of kindred Greek origin, was about four miles distant from the old town. The two cities were governed as one state, and the name of Neapolitans seems to have become general for the inhabitants of both places : they were the last survivors of the Greek population on that coast. At the time of the conquest of Rome by the Gauls, the Neapolitans allied themselves with the Samnites in consequence of the warlike demonstrations of the elder Dionysius against the Italiots, as his fleets continually made marauding descents upon the Tyrrhenian coast, and the Gauls had engaged to enter into his service.

In the year 423 (428) an embassy was sent from Rome to demand from the Neapolitans redress for certain acts of violence committed by them in the territory of the Campanians and Falernians. On the other hand envoys from Tarentum and Nola insisted on their not making concessions, and they were supported by delegates from Samnium. In consequence the Roman embassy was dismissed without receiving satisfaction. The Roman senate had no doubt expected such an issue as this, and an army under the command of Q. Publilius Philo was immediately despatched against Palæopolis, but the winter passed over without any decisive blow being struck. War was likewise declared with due ceremony against the Samnites, and an alliance concluded by the Romans with the Apulians and Lucanians.

CHAP. LIV.

THE SECOND SAMNITE WAR.

THE helplessness and incapacity of the Samnite government was still further in fault in neglecting to make adequate preparation for the war, so that they were neither able to relieve Neapolis, nor to check the advance of the Roman troops into Samnium in 423 (428). To obviate the danger of leaving the army before Neapolis without a general, a decree of the senate, embodied in a plebiscite, invested Publilius with proconsular power. The succours in the meantime promised by the Tarentines did not arrive, and the Samnite garrison was viewed with great distrust by the Neapolitans; so much so that a conspiracy was formed amongst some of the Neapolitans themselves for betraying the town to the Romans. The plot was successful, and the town was surrendered on favourable terms; Palæopolis however was destroyed.

The Samnites in the mean time were indemnified for this loss by the Lucanians renouncing their alliance with Rome, and submitting themselves unconditionally to their control. This must have been brought about by a revolution in the government, and the circumstance of Alexander of Epirus having been attended by a troop of Lucanian exiles seems to intimate, that there were factions and domestic disunion amongst them. Livy explains the event by a tale very similar to that of Zopyrus, but the fate of nations has never been decided in so fabulous and childish a manner. It might be possible indeed for the sovereign assembly in a town to be led away by the impulse of sudden passion; but in the case of a great nation, scattered over a country, it is quite out of the question.

The Lucanians are nowhere spoken of throughout the whole of this war as the allies of the Samnites;

nor, again, is any active participation alluded to on the part of the Tarentines, which, however, is undoubted. This may be the result of accident, as the narrative is certainly distorted, if not falsified.

The Apulians were threatened with the fate of the Lucanians in case no assistance was furnished to them : if, however, they could be succoured, a Roman army united with them might distract the forces of the Samnites ; for armies from Campania and Apulia might effect a junction in the centre of Samnium, and so separate the northern and southern Samnites from one another.

The Vestini, through whose territory the road into Apulia ran, refused a passage to the Roman troops. War was thereupon declared, and the consul, D. Junius Brutus, obtained a dearly bought victory over them in the open field. After two of their towns had been taken by storm they laid down their arms, and apparently concluded peace, for the advance of the Romans into Apulia was no longer opposed. In the mean while the consul L. Camillus, who commanded a second army destined to attack Samnium, was taken seriously ill, and in his place L. Papirius Cursor assumed the command as dictator, with Q. Fabius as his master of the horse. This war is so inaccurately narrated, that we can hardly recognise the localities of the different operations. A difficulty respecting the auspices induced the dictator to return to Rome, and for the same reason to forbid his lieutenant Fabius from engaging with the enemy in his absence. But Fabius, less scrupulous in matters of religion, and not much respecting the authority of his superior, was induced by the boldness of the enemy to offer him battle near Imbrinium. The cavalry decided the day by a desperate attack upon the Samnite masses, and 20,000 are said to have been left dead upon the field : this number, however, deserves little credit.

Fabius was well aware that the dictator could not

pardon him. He therefore despatched straightway an account of his victory to the senate, and commanded the arms of the vanquished to be burnt, that they might not adorn the triumph of his superior officer. The latter on his return to the army determined to inflict on his disobedient master of the horse the fullest penalty, but the soldiers showed symptoms of insubordination, and a determination to protect their victorious leader. Under cover of the night Fabius escaped to Rome: the dictator, who followed in his steps, discovered on his arrival there so general a feeling of sympathy for the offender, both amongst the people and the senate, that he felt even the omnipotence of the dictatorship to be powerless. Had Papirius remained obdurate, the highest authority in the state would most probably have been abolished, in the same manner as the kingly office had been.

During the absence of the dictator at Rome, a detachment sent out to forage had been cut off, owing to the lieutenant of the camp fearing to disobey the orders of his superior. It required some tact in the dictator to enable him to soothe the resentment of his soldiers, but ultimately he prevailed, and led them forth to victory. The Samnites were allowed a truce for one year, and sent envoys to Rome to treat for peace, but with no effect. Before the termination of 425, the consul Q. Aulius led an army into Apulia, to protect the cities in alliance with the Romans. The Apulians, unlike the Sabellian tribes, were not united in one state, but dwelt in single cities, independent of each other, and usually divided into two factions adhering generally to different foreign allies. The advantages gained in Apulia were of trifling importance, and the Roman army were in some danger of being cut off, owing to an insurrection of the Latins. Tusculum, Velitræ, and Privernum, raised the standard of revolt, encouraged perhaps by the approach of a Samnite army, and Rome was thrown into inexpressible alarm by the unlooked-for appear-

ance of a host of enemies before her gates. Tusculum, however, and the other revolted cities were soon reduced to obedience; the former ran great risk of being utterly extirpated, and its inhabitants sold as slaves, but the tribes were moved by their abject supplications to show mercy to them. Such is the account in Livy.

A series of splendid victories soon changed the face of things, but to whom they were due has been rendered uncertain by the vanity of a few families. The Fabii and Fulvii may have been more favoured with the public affection than the Cornelii, and the triumph of the dictator A. Cornelius Arvina may have falsely been assigned in the triumphal Fasti to the two consuls. Still Livy's beautiful narrative, in which the dictator figures as commander in chief, cannot be admitted into history without hesitation, but it deserves to be related. According to it the Roman army on the western frontier had been surprised by the Samnites in a disadvantageous position, and broke up its camp by night. The enemy, however, overtook them at daybreak, and an engagement ensued conducted with equal ardour and obstinacy with that displayed in the first conflict between the rival nations on Mount Gaurus. For five hours neither army had gained ground: about the eighth hour the Samnite cavalry out-flanked the Roman line and fell upon the baggage, but in the midst of the confusion incident on a scene of plunder, the Roman cavalry threw itself upon that of the enemy, and dispersed it. The victors thereupon attacked the rear of the Samnite infantry, already tired and exhausted, and obtained a complete victory. The Samnite general was left upon the field, and several thousands of his troops were taken prisoners. The career of Fabius in Apulia was no less brilliant.

The Samnites appear to have hired mercenaries for this disastrous campaign. This is surprising in a nation which seems to have been richer in men than in gold. It is true that the magnificence of their equip-

ments, like those of the Macedonian guards, at a period when their country had already suffered severely, proves that they were an opulent people ; and it is true that they had still many wealthy dependencies : but it seems not improbable that Tarentum, feeling that its existence depended on the victorious result of the Samnite campaign, assisted them with mercenary troops, or with money to hire them.

It has frequently happened, that a powerful nation, after a short succession of disastrous years of war, has become disgusted with its humiliation and has anxiously sought to obtain peace upon any terms, and yet, if peace should have been refused by the pride of their opponents, it has continued the struggle, and terminated it, if not with victory, at least with glory. In this manner the Samnites, after their repeated reverses in the last campaign, determined to send envoys to Rome with full power to accede to those demands on the part of the Romans, their refusal of which, five years before, had given rise to the war, as well as to surrender up the head of their state, Papius Brutulus, whom all now execrated as the author of their misfortunes. The latter, however, by a voluntary death saved his country from this additional ignominy, but his corpse was given up to the Romans, together with the prisoners taken in the war, and full indemnification was offered on the part of the Samnites for the losses sustained by their opponents.

What the demands of the senate were, is unknown, but it is certain that the Samnite envoys acceded to every article of them but one, and to this they resolutely refused to submit. The Samnites had imagined that the renewal of peace would bring with it the re-establishment of the former equality between the two states, but the senate insisted upon their acknowledging the supremacy of the Roman people, and their doing homage. The consequence of this would have been that they could neither have made peace nor war with-

out the consent of Rome, and possibly would have been obliged to send a contingent of troops as often as the consuls required it. This demand was rejected by the envoys as insufferable, and their mission terminated with the redemption of the prisoners in the hands of the Romans. The Romans, on the other hand, refused to receive any further communications, and determined only to lay aside their arms when the Samnites should have submitted.

When the issue of the embassy became known in Samnium, the exasperation of the people knew no bounds, although some feelings of anxiety were mixed up with it. Their generals harangued them publicly on the necessity of opposing against the determination of the Romans to advance, an equal determination on their part not to recede a step. "Have the soldiers of Samnium less courage than those of Rome? Have the shepherds on her mountains less vigour than the tiller of the Falernian vines, or the cultivator of the pestilential plains of Latium and Etruria? Have not the Romans borrowed their very armour from the Samnites? Is the allegiance of their allies sure? is the neutrality of the surrounding nations to be depended upon? Has the determination of the Romans themselves always stood the test? The ancestors of these very men surrendered their city to Porsenna: two generations ago they redeemed their burning habitations from the Gauls. Why may not the same fortune which rewarded the valour of our nation for so many centuries enable us still to obtain a favourable peace? Let us only first reconcile the gods to us by prayer and sacrifice, and appease the Manes of Papius Brutulus. Then, indeed, as far as human things are concerned, let us meet the unity of the Romans with unity on our part. Let us make a fair and equal treaty with Tarentum. Her mercenaries will suffice to effect the conquest of Apulia, and her fleet will keep the Roman coasts in perpetual alarm: and let

us strive to arouse the Sabellian nations from their lethargy, and prevail upon them to unite in defence of our common liberties."

In the spring of 428 (433) the armies of the consuls T. Veturius and Sp. Postumius were assembled near Calatia in Campania, with the intention of penetrating into the heart of Samnium. Having heard, however, that Luceria was besieged, the consuls determined to relieve that town. Their march was not conducted with much caution, as the defiles on that frontier of Samnium were supposed to be occupied only by small detachments, and the principal strength of the enemy was imagined to be in Apulia. Yet the neighbourhood of so important a city as Caudium, and the dangerous character of the defiles themselves, hardly warranted such extreme recklessness. The head of the leading column, on emerging from a deep valley, found the ravines, through which its passage outward lay, blocked up by rocks and the trunks of trees, and at the same time perceived the entire circuit of the hills occupied by armed enemies. What their immediate resolution led the Romans to do, we cannot decide, so little do we know of the circumstances; but it is highly improbable that they surrendered themselves without striking a blow. That they did not capitulate till after a complete defeat is indirectly proved by a most authentic document, the treaty of peace itself, in which the names of the officers who had sworn to it were preserved. Appian states that together with the consuls, two quæstors, two legati, and twelve tribunes, had sworn to the treaty; in short, all the commanders who had not perished. Now the number of tribunes in two consular armies, which amounted to four legions, was four and twenty, so that the half of these must either have been killed or disabled. The statement of Appian, likewise, that the Romans were defeated and compelled to pass under the yoke is borne out by two passages in Cicero, in one of which he says, that the consuls made peace after the

defeat of Caudium, and in the other, that C. Pontius vanquished the consuls in the battle near Caudium.

If, indeed, it were allowable to consider as duly weighed, the expressions of those historians who allude briefly to this event, the Samnites made themselves masters of the Roman camp by force, not by a capitulation, and the troops, as Zonaras states, laid down their arms as prisoners of war. The accompanying circumstances cannot have been very dissimilar from those which attended the defeat of Varus. The survivors were entirely at the mercy of the conquerors: but the generosity of the Samnite general granted them mild terms: had he possessed a less noble mind, he would not have committed so great an error as to suppose that the Romans could be converted from enemies to friends by the release of their captive citizens.

Pontius had not improbably had his mind imbued with the precepts of the Grecian philosophers; but it was doubtless a sense of justice in him, that dictated to the Romans the conditions of peace. These were the re-establishment of the previous equality and alliance between the two states, the evacuation of all those places which belonged to Samnium at the commencement of the war, and the withdrawal of the Roman colonies which had settled in usurped districts. No indemnification for the expenses of the war was required, but six hundred knights were surrendered by the Romans, as hostages for the ratification of peace; and the consuls, with the other commanders, swore in the name of the republic to observe it. On these conditions the vanquished army was dismissed beneath the yoke, and returned to Rome despoiled of its baggage and equipments, but the generosity of Pontius furnished beasts of burden for the transport of the sick and wounded. There is no greater stain on the Roman annals than the requital which was made to C. Pontius when he fell into the hands of the Romans: he was publicly executed, though he had for twenty-seven years dis-

charged the duties of general amongst the Samnites with the same generosity and mildness. On the other hand, it gives us a great idea both of his own character and of that of his countrymen, that they did not withdraw their confidence from him, though he had been guilty of so great an error of judgment.

The vanquished army returned towards Rome with shame and humiliation. On the first intelligence of the disaster, a levy *en masse* had been proclaimed, and a cessation from all ordinary business. A general mourning was likewise ordered, not so much on account of the national ignominy as of the great number of the slain. The army entered the town under cover of the night. The consuls alone were obliged to undergo the humiliation of entering the city in the daytime: they immediately nominated a dictator.

The probable fate of the 600 hostages deterred the Romans from immediately adopting a resolution to declare the treaty with the Samnites null and void, and to surrender up the officers who had sworn to observe it; but at last the senate determined on this alternative. Amongst those who were delivered up with the consuls we find two tribunes of the people, a circumstance rather extraordinary, as those officers were generally prohibited from passing the night outside the walls of the city: but this is not the only instance in which tribunes of the people were sent as commissioners to head-quarters, and they may either have come to the camp with full authority from the people for the consuls to conclude a peace; or if we admit the statement of Appian that the hostages were only to be detained till the time when the Roman people should have confirmed the peace, they may have announced that peace was confirmed by a decree of the people, and so have obtained the restoration of the hostages. Pontius, however, did not accept the proffered victims; the Samnites would thereby have

renounced their right, and it hardly needed the noble soul of this great general to save the guiltless.

In Apulia, Luceria had again become Samnitic, which shows that the victory at Caudium had been by no means without a result: the importance of this city, from its commanding the entrance into Apulia, did not escape the notice of the Romans, and their exertions were vigorously directed to regain possession of it. Papirius Cursor in consequence led his army along the coast of the Adriatic into Apulia, and invested the place. It was in vain that the Samnites endeavoured to relieve it: and at last the town capitulated, with its garrison of 7000 Samnites, for whom an unmolested retreat, though without arms or baggage, was stipulated. The Frentanians, who from their dissensions with the rest of the Samnites, had granted the Romans a free passage into Apulia, repented now, when too late, of their blindness, as they were forced to submit and to give hostages for their fidelity. Satricum, which had deserted the Roman cause, was recovered by treachery, and the leaders of the insurrection executed.

The years 431 and 432 (436 and 437) passed away under a truce: the Romans employed this opportunity to strengthen and confirm their authority in Apulia, so much so that no further attempt is mentioned on the part of the Apulians to withdraw from the Roman cause. The two following years were years of action, during which the chief command was vested in dictators. The true narrative of the events in them may be found in Diodorus. The Romans, under the command of Q. Æmilius as dictator, commenced the campaign with the siege of Satricula, an Oscan town, not far distant from Capua: the Samnites advanced with a powerful army to relieve it, and a fiercely-disputed engagement ensued, the result of which was the defeat of the Samnite army, and the surrender of the town to the Romans. The seat of war was then transferred to

Apulia, and the Samnites assembled all their population capable of bearing arms with the determination of finishing the war by a decisive battle. Q. Fabius now commanded the Romans as dictator, with Q. Aulius for his master of the horse, and met the enemy near Lautulæ: the object of the Samnites was probably to occupy this pass, and to transfer the war into Latium. The dictator's army consisted of raw levies, as the veteran troops were with the consuls in Samnium or in Apulia; it could not therefore withstand the onset of the Samnites, but fled disgracefully from the field. This defeat was followed by a general revolt of the discontented subject towns in the neighbourhood. The situation of the republic was not more perilous after the battle of Cannæ, but Livy has drawn a veil over this most interesting portion of Roman history. Both the consular armies, however, effected their retreat in safety to Rome.

The year 434 (440) was the period when the fortune of the Samnites turned. As the victory at Lautulæ had proved inadequate to break the power of Rome, they despaired of achieving that object, and turned their attention chiefly to the concluding of an honourable peace. They however invaded the Roman territory but met with a serious defeat, which was attended with important consequences. Capua had revolted from Rome, but owing to this event the Roman party in that city recovered their preponderance, and restored the town to their old allies. Livy indeed merely alludes to secret conspiracies, but that the revolt was such as to require an armed interference is shown by the fact that C. Mænius was nominated dictator to conduct the war.

The Ausonians likewise betrayed an intention of revolting, by refusing to receive Roman garrisons into their towns of Minturnæ, Vescia, and Ausonia; but all these towns were occupied by the Roman's in a single night through treachery, and a severe example was

made of the inhabitants to deter others from imitating them. A victory of the Roman consuls over the Samnites near Maleventum laid open the country to the Roman arms. The following year, 435, is not remarkable for any engagement, but for permanent conquests which had the most important influence on the further course of the war; amongst which were Fregellæ, Atina, Calatia, and Nola. In 436 colonies were settled at Suessa, Aurunca, and at Saticula, as part of a chain of fortresses against Samnium. In the same year a colony was settled in the Pontian islands, off Circeii, to prevent any maritime power from occupying that harbour. Possibly the Etruscan maritime towns were viewed with apprehension; but it is most probable that the Romans dreaded an enterprise on the part of Tarentum, as in this very year a fleet of twenty ships had been despatched from that town against Agrigentum to dethrone Agathocles, and if successful, it would no doubt have turned its assaults upon Italy, where the existence itself of the Tarentines was endangered.

It was now the fourteenth year of the war, and the superiority of the Roman arms was decisive: a few more campaigns would have achieved the subjection of Samnium; but the threat of an Etruscan war had compelled Rome already, in 436 (442), to divide her forces, and to detach only a part of them against Samnium. The republic, however, determined to omit no exertions on her part to secure success, and decreed that a fleet should be formed, and *duumvirs* nominated for its command, with similar independent powers to the Spartan *naumarchs*. A fleet in consequence made its appearance in the ensuing year, made up, not improbably, of vessels contributed by the subject maritime towns, and scattered traces of such a fleet may henceforward be observed down to the time when Rome equipped a regular fleet of vessels of the line. The occupation of the Pontian islands was evidently part of a great scheme for maritime protection.

The campaign of 437 (443) was ushered in with the siege and capture of various mountain towns. Bovianum, the capital of the Pentri, was taken by the Romans, whose army narrowly escaped a similar fate in northern Samnium to that which had been experienced at Caudium. On this occasion, however, the courage and coolness of the veteran soldiers achieved a complete victory, and enabled their general C. Junius to celebrate a triumph, and to dedicate subsequently a temple to "Deliverance."

In the year 438 (444), whilst Q. Fabius was occupied with the Etruscan war, his colleague C. Marcius led an army into Apulia. After some slight success in this country the Roman arms at last met with a serious reverse, and their communication with Rome was cut off, the intention of the Samnites being to effect the destruction of this army, and then to unite their forces with the Etruscans. Fortunately, however, the campaign of Fabius in Etruria had been signally successful, so that the main scheme of the Samnites was already frustrated, and it was determined to detach the army of reserve to the rescue of the troops in Apulia under the command of a dictator. Every eye was directed to L. Papirius Cursor, the greatest general of his day; but there was an almost insuperable obstacle to his nomination, as the consul Q. Fabius, whose sanction was necessary to render valid the decree of the senate, had never been reconciled to Papirius, and therefore might be unwilling to prepare new honours for his mortal enemy. The senate, however, despatched envoys of consular rank to communicate their determination to the consul; who received their message in stern silence, and mastering his resentment, nominated with due ceremonies Papirius to the dictatorship.

The dictator immediately led forth the legions of reserve to the relief of the beleaguered army in Apulia, but for some time hesitated to force the Samnites to an

engagement. At length the joint armies of the dictator and consul obtained a decisive victory, principally by the brilliant charges of the Roman cavalry against the flanks of the enemy. The splendour of the dictator's triumph was much enhanced by the magnificent display of highly ornamented armour which fell into the hands of the victors in this engagement. The Campanians are said to have equipped gladiators, probably captive Samnites, with their share of the booty, and the equipment and name have been handed down to posterity.

Papirius probably died not long after this event. His popularity with the nation in general was not great, as Fabius was the idol of the people; but on the other hand he was the favourite of the senate, and his reputation as the greatest captain of the age rested without doubt on the decision of competent judges. History, indeed, has not been kind to him; but it was he who reanimated the drooping Romans after the defeat at Caudium, and we scarcely know the great extent of the danger in 438 which he converted into a brilliant victory. It is true that a stern and cruel disposition is not incompatible with the talents of a great general, but in the eyes of posterity he is not such an ornament to his country as M. Valerius Corvus or Q. Fabius.

The latter conducted the war against Samnium in the following year with sufficient success, but without any great victory worthy of a triumph. The Marsians and the Umbrians, both of which nations made a show of hostilities, were soon reduced to submission. The Etruscan war was brought to a close after the third campaign. In the next year, 440, the Hernicans revolted ineffectually, as Fabius, who retained the command of the army as proconsul, compelled them promptly to capitulate. Notwithstanding this discomfiture the Samnites reappeared in renewed strength as soon as Fabius had retired with his troops, and in a

short time made themselves masters of various towns: their success made the Hernicans already waver in their fidelity towards Rome. The Romans in the mean time had despatched an army under Volumnius into Apulia by the road along the Adriatic, which the neutrality of the Vestinians laid open to them. The result of this expedition was successful, but it was not considered worthy of a triumph. The Hernican nation had now declared open war against the Romans. C. Marcius was despatched against them in 441 (447), whilst his colleague P. Cornelius made a diversion into Samnium, to draw away the attention of the Samnites to the defence of their native country. He executed his task with the greatest ability, whilst his colleague was thereby enabled to terminate the war against the Hernicans, and to unite his forces with him against the Samnites. The two consuls gained a victory over the latter nation, who, finding that their hopes respecting the Hernicans had been frustrated, sought and obtained a truce. Marcius returned to Rome, and celebrated a triumph over the Hernicans; but Cornelius remained in Samnium till the end of the year. The Samnites however still failed in obtaining peace, as they could not resolve to resign the dignity and rights of an independent nation.

The history of the two last campaigns is as obscure and uncertain as any during the whole war. As family vanity inscribed false triumphs on ancestral images, the *Fasti triumphales*, however carefully they may have been compiled, afford but a slight guarantee to the account that P. Sulpicius gained several victories in Samnium in 443. Livy states that this year passed without any hostilities, and that the interval was employed in negotiations.

At length, according to Dionysius, the Samnites acknowledged the supremacy of Rome, and thereby renounced their sovereignty over Lucania, and their alliance with the Marsians, Pelignians, Marrucinians, and

Frentanians. They were thus reduced to the limits of their own territory. Whether their communication with the lower sea was now cut off by the loss of Salernum, as that with the upper sea was by the separation of the Frentanians, is unknown: it was highly desirable to the Romans to open a road into Lucania, as well as to enclose the Samnites entirely. On the continent the Lucanians and Apulians separated the Samnites from Tarentum.

These terms, however severe, were less intolerable than the right, which Rome now acquired, of interfering in the domestic affairs of the Samnites. For this reason such a peace could not be permanent: it was only an armistice: but every year increased the preponderance of the Romans, and with it the difficulty of throwing off their yoke. The war, however, had now been continued for nineteen years, from 424 to 443, and repose was desirable to both parties, whilst it was absolutely necessary to one of them.

CHAP. LV.

RELATIONS BETWEEN ROME AND THE NATIONS BORDERING ON SAMNIUM AFTER THE PEACE.

THE fate of the Hernicans was in reality decided as thirty years before that of the Latins had been. The three towns which had not revolted retained their own laws, with the privilege of intermarriage and commercial interchange with the Romans, but probably lost their right of holding diets. The Anagninians and the rest of the Hernicans were reduced to the condition of municipals without the suffragium, and were subject both to the government and the jurisdiction of præfects, annually appointed by the Roman prætor: they were likewise deprived of the *connubium* and *commercium*, which they had hitherto enjoyed.

During the last year of the war the Æquians had exposed themselves to the resentment of the Romans, in consequence of many volunteers from that nation having enlisted themselves in the service of the Samnites. Upon the dissolution of the Hernican state, the whole nation of the Æquians took up arms, in consequence of the Roman senate having not only demanded the surrender of those who had borne arms against Rome, but having required the Æquians to receive the Roman franchise. This, indeed, if unaccompanied with the suffragium, as was most probably the case, would have been more of a burden than an honour, and would likewise have entailed the abolition of customs endeared to them by long continuance. The time, however, was past in which the Æquian name was feared by the Romans; the latter, finding no enemy in the field, as the contingents of the different towns had separated to defend their property and families at home, proceeded to attack, one by one, the towns of the Æquians, and took the whole forty-one townships in the course of fifty days. The subjugation of the Æquians was complete, if the triumph of Sulpicius may be believed, more than one month before the evacuation of Samnium. Their fate induced the Marsians, Marrucinians, Pelignians, and Frentanians to conclude a defensive alliance with Rome.

The acquisition of territory in the Æquian war had been considerable, and new colonies were immediately settled by the Romans on the establishment of peace. Six thousand colonists were sent forth to Alba, on the Fucine lake in 444, and in the same year 4000 men were established at Sora. Three or four years later an equal number of citizens settled in the Æquian territory, and founded Carseoli: this fortress and Alba, one of the strongest places in Italy, were both situated on the road subsequently known as the Valerian. The despair caused by the sight of these fortresses, which seemed likely to perpetuate the Roman power in those

parts, stimulated the Æquians twice to attempt an insurrection, in 445 and 446, which in each case was easily put down. Though much reduced by these continual wars, the Æquian nation was still powerful in numbers. They appear now to have received the rights of Roman citizenship, to which Cicero, a Volscian, and therefore a competent witness, bears testimony; the omission of their names in the census of the Italian nations at the time of the great Cisalpine war, is to be accounted for by this circumstance. These rights, if imperfect at first, were in 449 extended to full Quiritary rights by the creation of two new tribes, the Ferentina and Aniensis, which certainly contained none but Æquian citizens.

The Lucanians had scarcely recovered their independence, ere they recommenced hostilities against Tarentum, which had not yet concluded a peace with the Romans. Deprived of succour from the Samnites, the Tarentines had recourse to their old system of inviting some foreign chief and his army to enter into their service. They turned their eyes towards Sparta, but that state was no longer capable of affording them assistance, as her own existence was due rather to the weakness of her neighbours than to her own internal strength. Her institutions, it is true, remained the same in form and outward appearance, but their substance had passed away. Avarice had now become the ruling vice of the Spartan character, and her citizens sought wealth in a manner most unworthy of the descendants of the Heraclidæ, at the court of Macedon and amidst the luxurious indulgences of foreign countries. At this time the ambitious character of Cleonymus, the grandson of Cleombrotus, who fell at Leuctra, filled the Ephori with alarm, lest he should attempt to deprive his nephew Areus of the throne. They in consequence lent a willing ear to the petition of the Tarentines, who requested that Cleonymus might be allowed to levy an army for them. There was little difficulty in collecting

soldiers, and the fleet of the Tarentines conveyed Cleonymus with 5000 men to Italy. An equal number of recruits joined his standard in Italy, and the militia of Tarentum, consisting of 20,000 infantry, and 2000 cavalry, were placed under his command: the Salentines and the greatest part of the Italiots joined the Tarentines. The Lucanians solicited and obtained peace, and united their arms with the Tarentine forces against Metapontum. This city was obliged to open its gates to Cleonymus, who carried off 600 talents, and a select number of prisoners under the name of hostages.

The object which Tarentum had in view in calling in Cleonymus, was now accomplished. His ambition was thereupon attracted towards Sicily, as some Sicilian exiles invited him to that island to liberate it from the dominion of Agathocles. The Tarentines succeeded in persuading him to listen to these proposals, not perhaps without sacrificing a considerable sum of money, and conducted him and his troops with their fleet to Corcyra, of which island he took possession, as a military depôt.

Soon afterwards Tarentum made peace with Rome, probably in 445: amongst other stipulations it was agreed, that no Roman vessel of war should sail further northward than the Lacinian promontory, from which fact it is evident that Tarentum preserved her independence.

The Salentines had probably sought the protection of Rome at the time of the peace between that city and Tarentum; for in 445 Cleonymus with his fleet ravaged the coast of Messapia, and took Thurii: but the Roman troops compelled the invaders to retreat. He appears to have carried on a predatory warfare for some time on the coast of the Adriatic: but having met with a serious reverse in the Lagoons of the Venetians, and having lost twenty of his ships in a storm, he returned to Corcyra with his shattered army, and seems soon to have abandoned the island, as it fell into the hands of

Agathocles two years afterwards. He returned to Sparta, and lived for many years in dishonour and disgrace, till in his old age he appears again in the pages of history, as a traitor to his country, and as the evil counsellor and destroyer of Pyrrhus.

CHAP. LVI.

THE ETRUSCAN WARS DOWN TO THE COMMENCEMENT OF THE THIRD SAMNITE WAR.

THE continued peace with the Etruscans, ever since the capture of the city by the Gauls is the more surprising, as before that period they were the most vehement and inveterate of all the enemies of Rome. The cause of this indeed is to be sought for not in a want of opportunity for renewing their attacks, but in the dangers which threatened them from the side of the Gauls, and in the disasters which they had experienced in their wars with that people. Though their northern frontier, from the sea to the sources of the Tiber, might be impenetrable, yet the road by which the Senones advanced upon Clusium and Rome, and by which they penetrated repeatedly into Latium, lay along an extended and open frontier. It was the threatened danger from this quarter, rendered daily more imminent by the continued arrival of fresh swarms of barbarians, which determined the cities of Etruria to maintain relations of peace with Rome. This policy was no less advantageous to Rome, as she was thereby enabled to employ the whole of her forces against southern Italy. In the mean time the Gauls in the Cisalpine district gradually acquired settled habits, and with them a preference for agricultural occupations, in comparison with their previous system of predatory excursions. Whilst, however, their military character sank, the courage of

the Etruscans began to rise again, till at length, after the battle of Lautulæ, the Etruscans conceived that the moment had arrived for recovering their ancient frontier on the Tiber, and that their own independence was now placed in jeopardy by the subjection of the Samnites to the Roman arms.

The Etruscans undertook the war much too late, though they had been long before invited by the Samnites to commence hostilities. Cære alone, of all the Etruscan cities, did not participate in it. Arretium, likewise, at first held back, but subsequently united with the rest. Sutrium and Nepete were the outposts on the Roman frontier towards Etruria; the former place was the object of their first attack, but the consul Q. Æmilius speedily came to its relief. An engagement ensued, unattended with any decisive result, if we may credit Livy's narrative. The campaign of the next year 439 (445) opened with an expedition of Q. Fabius to relieve the same fortress: on this occasion the Etruscans, relying on their superiority in numbers, ventured an attack upon unfavourable ground, and experienced a signal defeat.

Fabius remained after this battle for a long time observing the motions of the Etruscans: but lest by any means they might advance suddenly upon Rome, overlooking the presence of an enemy in their own country, an army of reserve was formed to cover the city. In the mean time he despatched one of his brothers, in disguise, on a secret mission to the Umbrian nations, to conclude alliances with all whom he might find unfavourably disposed towards the Etruscans; but he found symptoms of hostility to Rome everywhere till he reached the Camertes, with whom he concluded a treaty, which remained in force till the period when all the Italicans received the rights of Roman citizens. Whilst Fabius was deferring the execution of his design to penetrate into the Ciminian forest, and so to reach the independent provinces of Etruria, until

the return of his secret envoy, the senate determined to send a deputation of five commissioners, with two of the tribunes of the plebeians, to arrest his undertaking. But ere they reached the camp, his army was on its march, and the next sunrise exhibited to the eyes of his soldiers the rich plains of Etruria, unpillaged for many a year, and where the appearance of an enemy could not have been anticipated. It was in vain that the peasants assembled to repel the invaders: they were dispersed, and the plunder which the victors carried off was immense. An army, however, of Etruscans and Umbrians assembled at Perugia, and an engagement ensued, the consequences of which were highly important; for at the moment when Rome's second army was intercepted and surrounded in Samnium, and her *corps de reserve* had been despatched to their relief, when she could have had no hopes of rescuing her army in Etruria if defeated, a signal victory was gained, and three capital towns, Perugia, Cortona, and Arretium, concluded an alliance with Rome, by which a cessation of hostilities for thirty years was secured.

The engagement at the lake of Vadimo, which Livy alone relates, seems to be merely a repetition of the conflict near Perugia. It is, however, possible, that the Romans may have defeated the Umbrians, before the Etruscans effected a junction with them, at Perugia, and may have fallen in with the Etruscan detachment on their return from the relief of Sutrium.

Fabius was honoured with a triumph, and a peculiar exemption from the general law, in order that he might be re-elected consul for the next year (438.) As the fidelity of the Umbrians to their engagements was doubtful, he led an army into their country, and secured their submission; Oriculum, however, was admitted to an alliance on more favourable terms, as the situation of that town rendered it of some importance. The interference of Rome in the domestic quarrels of the

Arretines in 445, and her restoration of the exiled Cilnian family to their country, seem to show, that Rome had already adopted the system of governing her Italian allies through the influence of the *Optimates*, and that the lower orders were the party generally disposed to shake off her dominion.

In the year 447, the Umbrian town of Nequinum fell into the power of the Romans through treachery, after a long and harassing siege. The Samnites appear to have taken part in its defence, probably as volunteers. The loss of this place rendered the communication between Samnium, Umbria, and Etruria, almost impracticable: the Romans secured their possession of it by immediately settling a colony there, and its name was changed to Narnia.

New swarms of Gauls continued, from time to time, to cross the Alps into Italy, and their presence was both irksome and formidable to their countrymen, already settled there. The Cisalpines at last induced them in 447, by presents, and promises of co-operation, to set out in search of other domiciles, and to march against Etruria. The Etruscans in a similar manner succeeded in turning aside the storm from themselves against Rome, although there had been peace between the Cisalpines and Rome for thirty years. The Romans were still afraid to oppose the Gauls in the open field, who consequently ravaged the Roman territory, or at least that of the subjects of Rome, with impunity, and crossed back over the Appennines with a rich booty. Soon after this, however, domestic wars arose amongst them about the division of their territory, and they turned their arms against one another. Such is the account of Polybius, which may be relied upon with more safety than the silence of Livy. In the ensuing year 448 (454) the third Samnite war commenced. As the principal events of it are connected with the Etruscan war, the history of both may be jointly narrated.

CHAP. LVII.

DOMESTIC HISTORY FROM THE CAUDINE PEACE
DOWN TO THE THIRD SAMNITE WAR.

As Capua formed part of the Roman state, it may be mentioned as a portion of the domestic history of Rome, that from the year 431 (436) *præfects* were nominated for that city, and that the prætor L. Furius drew up laws for it. This seems inconsistent with the fact that subsequently the republic of Capua was governed by a chief under the Oscan title of *Medixtuticus*. It was, however, by no means uncommon for a state to call in a magistrate from a neighbouring town to act as *Nomethetes*, when domestic faction and discord rendered hopeless the chance of obtaining peace from the deliberations of its own legislative assembly; and the appointment of præfects may have been only a temporary measure to keep in check the party opposed to the Romans during the war with Samnium. Yet there is still greater probability, that even if the Roman prætor gave a constitution to the city, that the nomination of præfects had no reference to the Campanians themselves, nor to this constitution.

The number of Roman citizens settled in Campania must have been at this time very great, as the full rights of *connubium* and *commercium* were now shared by all the Campanians. That a Roman citizen should have to seek redress against a native before a native magistrate, might be no hardship; though that a stranger should have the power to bring an action against a Roman before a strange tribunal might appear objectionable: it was, however, quite inadmissible that a Quirite should summon another Quirite before the magistrate of an isopolitan state. Yet the want of a proper tribunal for such cases was probably not so

great an impediment to the transaction of civil business, as the circumstance that those legal proceedings, which necessarily came under the jurisdiction of a Roman magistrate, were completely put a stop to. How this emergency was provided for is clear from a passage in Festus, who states, that the people annually elected præfects to exercise jurisdiction in Capua, Cuma, and eight other Campanian towns, over the entire body (*conventus*) of Roman citizens settled in each. Such was the state of things before the war with Hannibal and the revolt of Capua; on the subsequent reduction of the town, the præfect of Capua exercised jurisdiction over the whole population.

It was probably the Roman corporations above alluded to that issued the coins with the inscription *Romanom*, which from their execution are acknowledged to be of Campanian origin, and which are evidently older than the time when silver money was first minted at Rome.

In the year 435 a conspiracy was discovered at Capua, the ramifications of which appear to have extended to Rome itself, for the dictator C. Mænius was invested with full powers to inquire generally into it. It is not improbable that the long and exhausting wars had exercised, as is generally the case, a pernicious influence upon the state; for there appeared to be no limit to the prosecutions, and the most illustrious individuals, if not implicated in the guilt, were at least not above the reach of suspicion.

The alteration in the old law of debt, related by Livy under the year 424, belongs, as already stated, to the dictatorship of C. Pæteliuſ Libo, whose consulate happening in this year was most probably the cause of the error.

There is sufficient distinctness in the history of Rome at this period to allow of our becoming acquainted with the personal character of eminent individuals. Amongst these Appiuſ Claudiuſ the Blind is

one of the most remarkable. The inflexibility of purpose with which he advised that the proposals of Pyrrhus should be rejected, entitled him to the respect and gratitude of his fellow-citizens, and the greatness of the public works which originated with him, to the admiration of the world. The contradictory features of his character were, for a Roman, most extraordinary; yet such was the good fortune of his country, that whilst the great works which he undertook were a permanent blessing, the evil which he occasioned was corrected by the exertions of better citizens; so that there could remain no doubts amongst posterity whether his existence had been a blessing or a curse to his country.

In the year 436 (442) Appius Claudius was censor, with C. Plautius for his colleague, without having previously served as consul. If, indeed, he had been debarred from this honour by the ill will of the senate, this would explain satisfactorily his determination to exclude from that body his personal enemies, and to admit into it the sons of freedmen. As in every college the veto was decisive on a difference of opinion, C. Plautius might, if he had pleased, have quashed the whole of these proceedings; but the weakness of his character induced him to resign his office, that, as he could not resolve to oppose, he might not tarnish his honour by acquiescing in the conduct of his colleague.

The great change, however, which Appius effected in the constitution, was brought about by the enrolment of libertini in the tribes. Hitherto the qualifications for admission into the plebeian orders consisted in the possession of landed property, the non-exercise of a trade, and the being descended from a free father and grandfather. It is probable that any municeps, possessing these qualifications, might demand to be enrolled in a tribe; the municipals generally, however, ranked amongst the *ærarii*. The libertini were in a

similar position with these last; they did not form a part of the plebeian order, and their exclusion was a salutary check against an unbridled democracy.

The censors, however, had probably the power of admitting a deserving *libertinus* into the plebeian order, provided he renounced the trade of his order, and acquired *Quiritary* property: for if Appius had acted against the law, he would most assuredly have been punished.

The *ærarrians*, including the *libertini*, were by no means a disorderly rabble; on the contrary, they were associated in guilds, in which they enjoyed certain privileges, with the hope of attaining to the higher honours of the plebeian order by their own merit, or at least with the certainty that they would be accessible to their posterity. They enjoyed, moreover, the rights of electors, though themselves ineligible, as they voted in the *comitia* of the centuries in spite of their exemption from ordinary military service. As, however, the chief business of the state was gradually transferred from the assembly of the centuries to that of the tribes, their share in the government became daily of less importance, particularly as the elections to the newly-established offices were, with the exception of the *prætorship*, intrusted to the tribes.

As to the very old guilds they were nine in number: the *fifers*, *goldsmiths*, *carpenters*, *dyers*, *saddlers*, *tanners*, *coppersmiths*, *potters*, and the remaining handicraftsmen generally. That each of these, like regular corporations, had a president, held property, and possessed peculiar religious rites, is quite certain: their foundation was ascribed to *Numa*. But there were other trades associated in guilds even at a very early period, such as the *money-dealers*, *tradesmen*, *boatmen*, and *butchers*: the most respectable, however, were the *notaries*, or *scribæ*, being all *libertini*, so that, as already observed, plebeian honours were incompatible with this business.

The art of writing was by no means rare in the age of which we are treating, although no literature as yet existed. The transactions, however, of the courts were registered in the form of "Acta," the decrees and other proceedings of the senate were likewise committed to record, and the decisions of the prætor were not intrusted to memory alone: the census also of itself furnished much occasion for writing, the administration of the finances and the quæstorship still more. The sons of free-born Romans would never engage in these occupations: they were the exclusive business of the notaries, excepting when slaves were trained on purpose for the office, who on their manumission probably purchased admission into a regular guild. Far, then, from the subordinate office of a clerk being considered at Rome as a preparatory step to the administration of public affairs, it was, on the contrary, separated from the honours connected with the latter, by an insurmountable barrier. Besides these public occupations, the drawing up of private documents furnished a great source of profit to the notaries.

This corporation, conscious of being indispensable to the government, and of its own increasing importance and wealth, since the business of the government which belonged to its department became daily more extensive, put forward a claim towards the end of the republic, when the great capitalists formed a second and in fact more powerful body of nobility, to form a third order in the state, as the corporation of the Official Class, and their claim was admitted. In the days of Appius the Blind, this class had not risen into such importance, nor were they separated from the rest of the libertini: they were however the most influential mediators of the common claim, especially as they had at their head Cn. Flavius, indisputably one of the most distinguished men of his day. It is stated expressly that he acted in concert with Appius Claudius.

It seems that in the fifteenth year of a most exhaust-

ing war, there must have been good grounds for abandoning certain political maxims, and for admitting a select number of low-born citizens into that body of the nation which was liable to military service, to prevent the latter from being completely drained. Appius must, without doubt, have had this in view; he admitted, however, the whole mass of the libertini amongst the plebs, either distributing them himself amongst the tribes, or allowing each person at pleasure to choose his tribe. The schism between the plebs and the faction of the forum, for so by Greek authors were the craftsmen, tradesmen, and clerks denominated, might easily have been imagined, even if it had not been attested by history. The lower classes, however, had the superiority in this division, as is obvious from the election of Cn. Flavius a few years afterwards. Thus not only the elections, from which they were formerly excluded, came into the hands of the libertini, but even the plebiscita, so that the republic was shaken by constant troubles, and every election, every assembly, required preparatory negociations and intrigues, amidst which the nation would have been corrupted, if a long repose of peace had been possible at Rome.

The declared hostility of Appius against the plebeian order seems at variance with the favour he exhibited towards the common people. The exertions, however, which he made, both when interrex, and when a candidate for the consulship, to exclude the plebeians from the consulship in violation of the Licinian law, as well as his opposition to the Ogulnian law, admit of an explanation. The rich and powerful families of the patrician order were now much reduced in number, but by their side there was a plebeian nobility, thriving, and threatening to out-top them. The spirit of rivalry induced the weaker party to endeavour to enlist the inferior classes on their side against the growing power of the party that threatened to gain a preponderance over them. The great object, however, was to adulterate the ple-

beian order with the blood of freedmen, inasmuch as no citizen, whose ancestor, however far removed, had been a slave, could aspire to the consulship. The ill feeling of the *libertini* towards the second order is to be attributed to the ordinary jealousy which an inferior feels towards him who stands just above him. If then we suppose that the senators excluded by Appius were plebeians, the explanation here suggested would have still greater probability. On any other supposition Appius must be considered as having aspired to a tyranny.

The great works which Appius commenced, furnished him with an excuse for not abdicating the censorship at the expiration of eighteen months. He did not, however, retain it till the end of the *lustrum*, for at the termination of the fourth year he obtained the consulate, and when he attempted to keep possession of the censorship, which would have been highly dangerous to the state, a tribune of the people, L. Furius, compelled him to abdicate the censorship by a threat of throwing him into prison as a rebel against the state.

He appears to have remained at Rome during his consulship to further the advancement of the great works which he had commenced. The most remarkable of these was the Appian road, leading to Capua, though it cannot be supposed that the whole length of this road, 120 miles, was completed in the course of five years. The paving of this road with polygons of lava, on which circumstance the incomparable excellence of the Roman roads is founded, must have taken place at a later period. The most essential part, however, of this work, consisted in the foundations of it, the substructions raised across morasses, the bridges, the cuttings through the hills, and beside the road itself, the canal which passes through the Pomptine marshes, and which, serving the double purpose of draining the country, and of facilitating the transport of military stores from Latium to Terracina, was in the

latter respect of great importance, as Rome had not the command of the sea. Appius, however, did not construct the road through the marshes, the extremities of which were united by the canal; this seems to have been the work of Trajan. The Setinian road served as the military road between Velitræ and Terracina, as it was impossible to reach Terracina in one day's march from Cisternæ, especially during summer, and a single night passed between those two places during summer or autumn would have been fatal to an army. Forum Appii near the canal was certainly another work of Appius, and may have been a populous market town in winter, owing to the increased communication with the capital.

The Appian was called the Queen of Roads, and it deserved the title. It is not, however, clearly proved that it was the most ancient of the great Roman roads, or even of those which were constructed according to the system which the Romans learned from the Carthaginians. The Via Latina and Salaria may be of an earlier date, as they were not named after their founders.

The Appian aqueduct is, however, the oldest of these works at Rome. Hitherto the Romans had contented themselves with the water of a few springs and wells, nay, they used to drink the foul water of the Tiber; in short, the inhabitants of the suburbs near the river could have had no other water than that from the river. To meet then this great want, Appius commenced an aqueduct near the eighth milestone on the Prænestine road, and conducted it entirely under ground, to prevent an enemy from cutting it off during war, till it nearly reached the Porta Capena, over which it passed and was carried along on arches to the point, whence it began to be distributed, between the Porta Trigemina and the Clivus Publicius. The depth underground of the conduits through which it was conveyed shows that they carried water into the

lowest parts of the city, such as the suburb, the circus, the Velabrum, the Vicus Tuscus, and perhaps the Subura. The stream of water, however, was hardly adequate to the supply of these districts.

There is a well-known legend connected with Appius, to the purpose that he persuaded the Potitian house, who had received from its ancestors and celebrated in person the worship of Hercules, to teach the rites of that worship to public officers, whereupon all the families of that house, though twelve in number, were swept off, and Appius himself became blind. It is not improbable that the great pestilence which raged fifteen or twenty years afterwards swept off the Potitian gens, if it really did become extinct. It is more important to ascertain what was the origin of the idea that Appius had incurred the anger of the gods. There is no doubt that the Potitii worshipped Hercules according to Greek rites, as the Nautii did Minerva. These rites, however, had nothing of a national character about them, they were purely *gentilician*. But during the Samnite war the Romans sent to consult the oracle of Delphi, which directed them to worship the most valiant of all heroes. If now no foreign god had a *flamen*, the Potitii, if they were unwilling or not allowed to perform in person the rites for the state, could not act otherwise than teach them to others; else it would have been necessary to call in a Greek priest. It is probable that the Pythia did not know any thing better to answer on that occasion, as well as afterwards, when she directed the Romans to fetch Æsculapius from Epidaurus, or she may have had a subordinate design of exalting her own nation in the eyes of the Romans.

It is quite a mistake to suppose that the literature of Greece was totally unknown to and despised by the Romans before a literature in imitation of it sprung up in Rome. The familiarity of the nations on both sides of the city with the poetry of Greece is obvious from

their works of art, and no less so from the theatres at Tusculum and at Fæsulæ, constructed in the Grecian style, and evidently of very great antiquity. These theatres must have been built for the representation of Greek tragedies, or else of translations and imitations of them. Nor could Livius Andronicus have succeeded so completely in introducing Greek fables on the stage, unless Grecian *mythi* had been well known at Rome; and the corrupt forms which Greek words assumed in those *mythi*, shows that they were in the mouths of many thousands, and had become metamorphosed by oral use. At a very early period L. Postumius was enabled to make himself intelligible at Tarentum without an interpreter, and his surname of Sophus, as well as that of Philo, which Q. Publilius bore, point to their intercourse with Greeks; whilst Appius Claudius himself is known to us as an author, by fragments both of poetry and prose, and by the testimony of Cicero himself.

During the censorship of Appius Claudius, in 447, the plebeians ordained the election of sixteen military tribunes every year, whereas hitherto six only had been elected; the rest were to be appointed by the consuls or the dictator. Thus it appears that if four legions were the ordinary number levied, and if there were six tribunes in each, a third portion of the places was left to be filled up at the discretion of the general. In the same year the annual election of two admirals was determined on; this, however, was discontinued in the first Punic war.

CHAP. LVIII.

CN. FLAVIUS.

As long as the Etruscan calendar was made use of in civil affairs, the *nundines*, on which days the country people flocked to the city, were likewise the days on

which the judges, appointed by the kings, took cognizance of such affairs as came under their jurisdiction. These nundines were thirty-eight in number, and fell upon the same days every year. When the year of twelve months was introduced, and it was found expedient to separate the nundines and the days for administering justice, the number of the latter, the *Dies Fasti*, remained unchanged, which is an evident proof that the civil use of the year of ten months is no chimæra. These thirty-eight days were distributed amongst the twelve months without any definite rule. As business increased, justice was administered even on *comitial* days, if there were no comitia, nay, on many of the *Dies Nefasti*, before or after the religious ceremonies of the day had taken place. It was therefore of importance for suitors to ascertain beforehand from the Pontifex Maximus on what days and at what hours legal business might be transacted. A legal calendar would have supplied an obvious remedy for this uncertainty, yet it was not till the time of Cn. Flavius that a table was set up in the forum, pointing out the legal character of each day. It was by this device, which freed the people from a vexatious and irksome state of dependence, that Flavius became so generally popular. The silence of those who speak of his popularity, without alluding to his collection of *legis actiones*, does not impair the authenticity of the statement that he published a collection of legal customs and formularies, which Cicero evidently was acquainted with as the *jus civile* of Flavius. As to the contents of this collection, there can be no doubt that actions of various kinds were exhibited there without any legal doctrine or system, and that in individual cases it was noted down as a precedent what Aulus Agerius, what Numerius Negidius, what the Prætor had decided. Pomponius represents this book as having been composed by Appius Claudius, and purloined from him by Flavius. Pliny, on the con-

trary, a witness of high authority on subjects of Roman history, says that Flavius had made a collection of the Fasti at the suggestion of Appius. It is obvious that the former story has originated in some misapprehension of the nature of the connection between the two parties.

The popularity which Flavius enjoyed emboldened him to offer himself as a candidate for the curule ædileship, and ensured him success. This was a great triumph for the forensic faction, and was the more alarming as at the same time he seems to have been elected tribune of the people. The election of his colleague was equally a triumph for the *municipes*, who appear to have joined parties with the *libertini*, for Q. Anicius, a citizen of Præneste, can only have been elected by virtue of the rights of isopolity. The candidates from the plebeian nobility who were rejected were C. Pæteli^{us}, whose father had been consul and dictator, and a certain Domitius.

The result of this election caused such universal disgust, that an alteration in the election-law was determined on without delay. The increasing power of the guilds caused as much alarm now to the patricians as to the plebeians. Yet it would seem from the fact that Flavius vowed, and fulfilled his vow, to build a temple to Concord, that he must have mediated between the different parties in the state, and effected an amicable reconciliation. Though his own great qualities might entitle him to high distinctions, he may still have conceived that the general rule, by means of which he himself had risen, was pernicious to the republic.

CHAP. LIX.

THE CENSORSHIP OF Q. FABIUS AND P. DECIUS.

It happened not unfrequently, until all Roman institutions acquired permanent fixedness, that more than five years elapsed ere an election to the censorship took place: it is, however, an occurrence without example, as far as we know, that it should have happened within a shorter time, and that new censors should have been chosen thrice within a period of eight years: within eight years after the censorship of Appius and Plautius, 436 (442), Q. Fabius and P. Decius filled that office, 443 (449). This acceleration, and the election of two friends of the same views, the leading men of the two orders, leaves no doubt that they were called upon to remedy the evil, which after a longer delay might not have been curable by peaceable means. It is now known that the consequences of the innovations of Appius were controlled by these censors, that through them tranquillity and respect for the laws was restored, and scandals, such as the election of Flavius, were prevented from re-occurring; that they confined the *libertini* to the four city tribes, by which measure chiefly the grand result was obtained; and that Q. Fabius, who must be regarded as the soul of this decisive undertaking, derived from it his surname of *Maximus*. The constitution was thus brought back in substance to its original state in 436 (442).

The state of things before the censorship of Appius requires some consideration, as the republic was already in a sickly condition before that event. The original object of the constitution of the centuries was to unite the houses and the commons in such a manner that the liberties and rights of the latter might be secured, whilst the government remained in the hands

of the former; and at the same time to establish for the *æ*rarians, whether municipals or manumitted slaves, a place where they would not feel themselves strangers to the state. The distribution into classes, besides being in accordance with the spirit of a timocracy, hindered and broke the collision of the orders. The means, however, adopted for this purpose became gradually, in the course of two centuries and a half, so unsuitable, that it was indispensable to remodel the forms.

The original plebeian commonalty, formed out of Latins, whose towns, if not destroyed, were reduced to the condition of boroughs (*pagi*), was a homogeneous whole. It was otherwise, however, with the foreign districts which from time to time were admitted to full Quiritary rights: these consisted not only of Latin towns, which continued as such, but of Sabine, Volscian, and Etruscan towns likewise; yea, even of *Æ*quians. In order that these might not predominate in the plebeian assembly, new tribes were formed out of them, the number of individuals in which must evidently have been beyond all proportion greater than in the old ones. This precaution, however, was vain in the case of the centuries, for as many of the new citizens as belonged to a class, and presented themselves at Rome, had votes in their comitia. In this manner it was impossible to continue to communicate to the Italian people the full rights of citizenship, which was, however, the only means of recruiting and strengthening the nation. The subsequent abandonment of the system was owing to the ambition and envy of the plebeian nobility towards the Italian houses, and this shortsighted and paltry disregard for the opinion of their ancestors deprived Rome of several centuries of youth, and ruined Italy: at that time, however, its salutariness was decidedly acknowledged, since in thirty years six new tribes were formed, and it was doubtless the design of such

citizens and statesmen as Fabius and Decius to unite, with the Quirites, people after people in tribes, the number of persons in which was always increased in proportion to their distance and foreign character.

The communication of isopolitic rights to Capua, and the daily augmenting importance of Rome and its citizenship, the increase likewise in the number of the *libertini* from the natural course of things, continually raised the proportion of the numbers of the *æerarii*: this class, domiciled in Rome, was for the most part engaged in clientship, which took from it its independence. On the other hand, the relations of the patricians in the republic had become quite altered. Reduced to a half share in the government, and deprived of their veto in the case of laws, they still retained a veto in elections, which, however, could not be employed without endangering the peace of the state. They consequently might demand a more favourable legal weight in the assembly of the centuries, than what was sufficient, as long as their share in it was quite a secondary consideration and their appearance there was merely for form's sake.

A great change was further effected by the Pætelian law; for, as in earlier times, the *indebted proprietor* continued to pay the tribute and remained in his class, so now the *fiduciary possessor*, entered in his own name on the censor's register, and was assessed for, the property given to him as security: this must have altogether altered the relations of the classes.

The diminution in the weight of the copper coinage must have been regulated in reality by the rise in the value of that metal in regard to silver. It does not, however, follow that the prices of other things did not rise likewise, as they rose at Athens, where silver was current without any alteration in the standard of the coinage, from the time of Solon to Demosthenes; indeed no one will deny that this must have been the case at Rome, as elsewhere, and that the same number

of ases, without regard to their weight, represented the value of a much less mass of goods than 250 years before. Besides, the fortune of individuals, as well as the number of opulent persons, must have increased in an extraordinary manner from the extensive acquisition of common land, so that 100,000 ases at this time denoted certainly much less than of old, and no longer separated, in the division of the classes, the peculiarly rich from the middle classes.

If it be admitted that prices on an average had increased threefold in amount, for which supposition valid grounds exist, the entire fifth class, and many individuals of the fourth, belonged, according to the spirit of the original regulations, to the *Accensi*, and the divisions of the intermediate three classes, when the proportion between the number of votes and the number of heads had long since vanished, had become a troublesome refinement; there was a division and separation, when separation no longer intimated a true class of property. Rich men, amongst whom there was the greatest variety in point of wealth, and persons merely in good circumstances, formed one undistinguished class. What had now a legislator to do, who wished to put down the existing evil, and pave the way for future good?

It would not have been sufficient, in order to restore the plebeian order to the state in which it was before the censorship of Appius, to raise the nominal sum of the different classes in a threefold proportion; further alterations would have been just as necessary, and with them new crises unavoidable: besides, it would have been injurious to have excluded from the legions so large a number of persons as were now liable to service in them. Such a proposal likewise, as it affected the rights of so many in the second and third classes, would never have been accepted in a legal form, and its introduction could only have been effected by a revolution.

The salutary policy was evident of an election-law, for so we may term it, as the elections were the chief business of the centuries, which deprived the members of the guilds of a portion of the influence which they had hitherto enjoyed, excluded the municipals until they were enrolled in a tribe, and rendered of little importance the share which they had gained in the tribes a few years before. It was doubly salutary if it could be employed to render the levy for real military service more complete; and, indeed, a ready acceptance of it and general peace was to be expected, if it secured for the patricians a greater weight for their votes in the elections; for the really rich amongst the plebeians, new honours; for the less opulent, the maintenance, and even extension of their vested rights; for the new citizens, respect and influence for their chiefs; for the mass, greater forbearance in the levies; and for the *libertini*, the prospect that at least their descendants, by individual admission, if they acquired landed property, might attain to full plebeian honours.

The following is suggested hypothetically, as an explanation of the plan adopted. The only part of the system of the centuries which was retained, was the division into the equestrian and the non-equestrian orders: whoever did not belong to a tribe was excluded, as in the pure plebeian *comitia*. The classes, as they had hitherto existed, were abolished; and all *tribules*, who were assessed at less than a million of ases, and at more than 4000, were equal. Each tribe voted with two centuries, one, of the *seniors*, including all above forty-five years of age, and the other of the *juniors*. The *libertini* were confined to four tribes, and these were so arranged after the country tribes, that they were not called up to vote till the country tribes had registered their suffrages. In the *sex suffragia*, the patrician families remained, as heretofore, without regard to fortune: in the twelve other equestrian centuries all those were enrolled, who were rated at more than a million of ases.

The municipals had a tribe assigned to them by lot before each election. Thus there were in all eighty centuries: six patrician and twelve plebeian centuries of knights, with fifty-four of the rural, and eight of the civic tribes.

To us it may appear a question, the more so as the constitutions of our times are still more strangely combined, whether the entire problem of the timocratical principle was not such an approximation to democracy, that it would have outweighed all the advantages resulting from the change; it certainly was so, as far as the qualification of property was further reduced; and the venality of the comitia in later times would not have been possible in the Servian constitution, if the classes, according as the average of wealth in the state increased, had been raised in proportion to their original assessment; but as the troops of the line would have been reduced in a similar proportion, the republic would not have been able to make head against the Samnite wars. This venality was by no means a necessary consequence of the consolidation of the centuries in the tribes, but was the fault partly of the unhappy suspension of the development of the constitution, partly of the negligence of the censors in admitting all descriptions of persons into the rural tribes: the general degeneracy of morals may have contributed its share towards the evil.

In the accounts of the comitia of the Servian centuries, we find no trace of a prerogative tribe, nor was it necessary, as a majority amongst the knights and the first class might be unanimous respecting the candidates ere the day of election came on. It was different in the case of the tribes, as many of the country people lived at a great distance, and only came in occasionally, or when necessity required it, to the capital; in order then that the candidate for election, if unknown to them, might be sketched out to them, a tribe was called up as *prærogativa*. There were individuals, without

doubt, belonging to each tribe, who dwelt in the city, and were looked up to by their fellow-tribesmen with respect, and if these agreed amongst themselves, their tribesmen voted with them: according to the result then of this, the remaining tribes voted with few exceptions; but in later times, when the comitia of centuries were held tribe-fashion, disputed elections arose, so that the constant decision of the prerogative tribe must then not have been accepted literally. No tribe had precedence permanently, nor on the other hand did it obtain it by lot, but by the choice of the presiding magistrate, as being the most notable and the most honourable. The existence of a *prærogativa* in the comitia of the tribes is shown from the comitia for military tribunes in the year 359, as well as the calling up of the remaining tribes according to a regular order from the expression *jure vocatæ*.

This influence and this honour of the *prærogativa* could not possibly be participated in by a tribe consisting of libertini: as consequently a line of separation was drawn between them, and the *prærogativa* was selected out of the rural tribes, these indeed were distinguished amongst the *jure vocatæ* by the appropriate title of *primo vocatæ*. The removal, therefore, of a citizen from a rural into a civic tribe was a civil degradation. The civic tribes may, on the other hand, have been styled *postremo vocatæ*. It would not be surprising, if the two divisions became subsequently distinguished as the *prima* and *secunda* classes; and thus the meaning of the well known place in the second Philippic of Cicero would be cleared up; the first class are the centuries of the rural tribes with the twelve of the plebeian knights: then the sex suffragia are called up to vote; lastly the centuries of the civic tribes.

That the sex suffragia voted after the first class is clearly intimated in the above-mentioned passage: and it likewise follows from the well known trial of the censor, C. Claudius, where the twelve centuries of the

knights are mentioned as voting in the first class. This union was quite admissible and natural, for the knights in these centuries were plebeians; whereas the *sex suffragia* consisted exclusively of patrician families to whom the qualification of property did not apply. Their voting after the plebeian order was grounded on the old regulation of the *curies* deciding upon the decrees of the other *comitia*.

The *comitia*, according to the new regulations, differed in four very essential points from those of the tribes: in the separation of the plebeian knights from the rest, and in the admission of patricians to a participation in them: in the division of the tribes into centuries of the seniors and the juniors: in the exclusion of the *proletarii*: and in the employment of auspices. The centuries of the seniors formed a moral aristocracy, consisting of a few experienced men, who had maintained their civic respectability and fortune up to a period of life, when both might generally be considered as secure for the remainder of it. The exemption of the *proletarii*, of those who were rated at less than 4000 *ases*, from service in the legions, was attended with exclusion from the *comitia*, whereas in the tribes every *Quirite* voted without any distinction. The auspices, although in their origin intended for religious purposes, had however become very early a political engine of the government in controlling the assemblies of the people.

The transformation of the centuries of the classes into double ones of the tribes, Livy seems to place after the time when the tribes were raised to the number at which they stopped. But it is not quite certain that this was his meaning; his object was most probably to reconcile the sum of the centuries according to the old regulation with that which existed after the formation of the thirty-five tribes. The change, however, must have taken place between the first and second Punic war, as the new regulation was in force during the latter war, yea, before the year 521, in which

year the legions consisted of 4,200 men, which answered to the new system ; and in this period it was in vain to seek for a man from whom this could have proceeded without having been ascribed to him, or even for an occasion for it. It made its way therefore into the censorship of Fabius ; for his services, as the restorer of good order, remained in everlasting recollection. A more direct argument, however, for it is, that already, in the year 449 (455), at the election of consuls the *primo vocatæ centuriæ* appear.

The necessity of giving a greater extent to the levy has been stated as one of the probable causes of the introduction of the new system. It was useless to retain the artificial refinement of the old military system since the Romans and Latins were no longer united together in maniples. The proportion of light troops in the legion was too great in comparison with the infantry of the line : out of 3600 men according to the scheme, without including the *depôt-battalion*, there were 1200 light-armed ; nor could this be otherwise as long as the soldier equipped himself. At present 120 men were raised from each tribe, consequently the legion after U.C. 447 amounted to 3960 men, of whom only 1320 were light-armed. The *depôt-battalion* was altogether discontinued. Brass, from its increased price, was exchanged for iron, and a further change in the tactics was introduced. That Fabius and Decius arranged the knights according to the new timocratical principle seems almost certain from the fact that they established the annual procession of the knights.

A conjecture may here be hazarded as to the meaning of the censor's order to an unworthy knight to sell his horse. If the republic furnished 10,000 ases for the purchase of a horse, and the knight besides received 2000 ases annually for its support, the state suffered and the knight was favoured most decidedly. If however one assumes, that the sum of 10,000 ases was the capital for which he to whom the censor had assigned

a horse, in order to be enrolled amongst the number of those who did knight's-service—a number far less than that of the actual knights—was obliged to purchase a vacancy, either resulting from death or discharge, it is then all quite comprehensible; only the notion has been erroneously adopted, that the state had originally furnished the capital, to create the service. The horses must have been considered inalienable; the owner must always have been responsible for a well-appointed one, and hence the censors' inspection of the condition of the horse; and he must have been liable to replace it if it became unserviceable: for this object he annually received twenty per cent. of the capital, as interest, as pay, and as security against accidents. It thus admits of an easy explanation why L. Tarquinius, the friend of the great Cincinnatus, was unable, on account of his poverty, to serve on horseback; poverty, however, would not have disqualified him to receive 10,000 ases at once, and 2000 annually. The obligation of purchasing into the cavalry-service might be imposed by the censor against the will of an individual; and therefore security against this was amongst the state-immunities.

CHAP. LX.

THE OGULNIAN LAW.

THE institutions, which evidently point to the distribution of the original Roman people into three tribes, show just as clearly that these original races of patrician families were not equal amongst themselves; nay, the inequality of the third race (the *gentes minores*) has in some points continued throughout, probably because after the abolition of the regal office, legal forms failed to remedy it.

Each race had probably one of the higher *flamens* belonging to it, who always continued to be patricians:

the flamen Quirinalis was established after the two earlier and chief ones, the Dialis and the Martialis. The relation of the six priestesses of Vesta to the races is acknowledged : originally there were only two ; to these were added two others on the union of the Sabines with the Ramnes, by which union the senate was increased to two hundred, and the kings became two in number : much later, a third pair was added out of the inferior houses. This completion is attributed by some to Tarquinius Priscus, as well as the selection of the third hundred in the senate out of the same houses ; by others, much less consistently, to Servius Tullius, as the legislation, which is distinguished by his name, did not affect patrician institutions.

The same system was adopted in the case of the Salian priests: the oldest college of these was that on the Palatine, and next to it ranked the Quirinal, which latter was said to be established by Tullus Hostilius. In this case the two races which had settled in these hills cannot be mistaken. A third college was not established on the Cælian.

It was a more essential neglect, that the inferior houses were not allowed a share in the augurate and the pontificate. Cicero, it is true, states that Romulus chose one out of each tribe, so that there were four including the king ; and that Numa besides added two, so that with the king there were six : but the king must have been just as distinct from the augurs as the priest-king was afterwards. The notice respecting Numa intimates that the same process was followed up as in the case of the Vestals and of the Salii ; but before the Ogulnian law there were only four augurs, and the supposition which Livy adopts, that the college was reduced from four to six by deaths, is totally inadmissible, as the vacancies would have been filled up of course by co-optation. The statement respecting Romulus betrays itself clearly as proceeding from the later augurs, and it cannot admit of any doubt that in the

year 446 (452) the races of the greater houses had alone their augurs and pontiffs.

The importance of the Ogulnian law, which increased the number of the pontiffs to eight, by the addition of four plebeians, and that of the augurs to nine, by the addition of five plebeians, was as great as the demand was equitable. It has been already stated that the auspices were made use of as a political engine: the influence of the pontiffs was still wider; they were the expounders of the law in every thing which regarded either public, or family, or individual services to the gods; they determined the validity of all religious festivals: they had plenary jurisdiction respecting the *res sacras, sanctas, et religiosas*, and from their sentence there was no appeal. It was certainly equitable, that the order, to which the state partly intrusted the auspices, should decide on the validity of them, and not depend on the caprice of strangers, just as that those who now shared fully in all civil rights, should not be debarred from a participation in religious ones. The *connubium*, so long established between the orders, had destroyed all claim on the part of the patricians to privilege of blood as far as religion was concerned; nor can they have maintained their refusal with the vehemence of olden time, since the curies, as the Hortensian law was not yet enforced, must have previously consented to the introduction of the bill. It is not probable that the new pontiffs and augurs were chosen this time by the people, but rather selected by the existing members of the colleges. To the newly-elected, indeed, the law of the pontiffs and the science of the augurs must have been entirely strange, but the plebeian, T. Coruncanius, was in these matters, as in civil law, the great authority of that age.

CHAP. LXI.

VARIOUS OCCURRENCES OF THE SAME PERIOD.

As if, indeed, the obligation of defending the liberties of the citizen were the inheritance of his family, the consul M. Valerius renewed in the year 446 (452) the law of his ancestor, by which the right of appeal to the people was secured to every citizen. No fixed penalty however was as yet attached to the violation of this law, but it was left to the discretion of the tribunes to propose severer or lighter penalties, according as the circumstances of the time might require.

About this period the *Lex Furia de testamentis* may be placed, which is evidently of an earlier date than the Voconian law; its author was most probably L. Furius, who drew up a code of laws for the *conventus* of Roman settlers at Capua, (430.) This law prohibited an individual, excepting in a few instances, from bequeathing by will more than 1000 ases, and attached to the legatee in all cases, where this regulation was violated, the forfeiture of quadruple the amount of his legacy. It appears that capricious bequests of legacies had become customary, and in consequence the heirs appointed by the testator refused the succession; the Romans, however, anxious for the preservation of wealthy families, disapproved as much of the splitting up of property in consequence of intestacy—for if the heir appointed by the testator refused to accept the inheritance the testament was nugatory—as of the distribution of property amongst strangers. The law, now passed, was perhaps fully effectual in the case of great successions, though but imperfectly so in smaller ones; and it must have been totally inefficient to prevent the favouring of females, since subsequently the Voconian law was found necessary to meet this case.

In the year 440 (446) the censors excluded L. Anto-

nus from the senate, because he had dismissed his wife out of wedlock without having assembled a tribunal of his friends. This narrative shows how groundless is the opinion that before the time of Sp. Carvilius Ruga after the first Punic war, there had been no such thing as a divorce known amongst the Romans. The regulations respecting the right of keeping back a portion of the dowry belong to very ancient times. The dissolution even of consecrated marriages (by *confarreation*) was possible, much more than that of voluntary marriages. But *repudium* and *divortium* have been confounded, and the true cause of the subsequent introduction of a mode for dissolving solemn marriages must have been, that it was evidently very difficult to find a way for abolishing the *conventio in manum*.

During the same censorship C. Fabius painted for the censor C. Bubulcus, the Temple of Deliverance, and obtained from that circumstance the surname of Pictor: this has been handed down as a proof that painting was honoured at Rome as a liberal art. We may presume, that the picture of Fabius represented the battle with the Samnites, during which C. Bubulcus vowed the erection of the temple, just as the painting, which M. Valerius fixed up there subsequently, represented his engagement with Hiero.

CHAP. LXII.

THE THIRD SAMNITE WAR, AND OTHERS OF THE SAME PERIOD.

THE tenth book of Livy is the only source of information which we possess for the history of the first six years of the third Samnite war: here, indeed, the extracts from the annals, which have so often served as a check upon the narrative of that writer, entirely fail us. Some few scattered notices, however, are

preserved on the three last campaigns, and on the period down to the war against Pyrrhus. Livy's account of this war has a far greater appearance of accuracy than that which he has given of the preceding one: several of the facts are quite historical, such, for instance, as the statement respecting the amount of the booty, and the narrative of the campaign of Fabius in 449 (455); but he confesses himself that he finds the most strange contradictions in the annals respecting the events of the other years. Fabius is the one amongst the annalists whom he does not follow, yet it was precisely Fabius who deserved more confidence than any other in the narrative of a war the hero of which belonged to his family, since he found in the archives of his house the most authentic documents. It is, without doubt, Valerius of Antium from whom Livy borrowed the particulars of the campaign of 453 (459); for however determined may have been the perseverance of the Samnites, it is clearly impossible, if after several disastrous campaigns they had lost in a single one more than 53,000 dead and 31,000 prisoners, that they could have had men enough to carry on three other campaigns, nay, to carry on the first successfully. The amount of their population forty years afterwards, during which interval another struggle had taken place which lasted ten years, seems quite irreconcilable with such a statement; and the moderate numbers specified in the campaign of 449 (455) furnish support to the view that on other occasions much exaggeration has been employed.

The Samnites reckoned at this time upon the tacit continuance of hostilities between the Romans and the Etruscans, and upon the co-operation of the Gauls. It is obvious that Samnite auxiliaries assisted in the defence of Nequinum, an infringement of the peace which the senate overlooked, as Rome was threatened with a Gallic invasion. The Samnites thereupon determined to attempt the recovery of their dominion

over Lucania, the independence of which country they had been constrained to acknowledge as one of the conditions of peace. The spirit of faction which prevailed in Lucania seemed likely to favour their enterprise; but the ruling party, finding themselves after several battles unable to cope with the Samnites, determined to place themselves under the protection of the Romans, and despatched an embassy to Rome accompanied by the children of the chiefs of the nation as hostages, chosen probably from amongst the adversaries of the ruling party. The Romans readily listened to their proposals, and sent envoys to the assembly of the Samnite people, requiring the evacuation of Lucania. This demand, which was probably warranted by the treaty in which the Samnites had acknowledged the sovereignty of the Roman people, provoked the Samnites so much, that they resolved forthwith to declare war, and ordered the envoys immediately to quit their territory.

The Romans thereupon despatched the consul Cn. Fulvius to the assistance of the Lucanians; the Samnites, confident in their strength, which peace had recruited, and inspirited by their victories over the Lucanians, opposed him with the army which they had destined to finish their conquest of Lucania. The history of the campaign is lost, but Frontinus has preserved some notices of the talent of Fulvius as a general. On one occasion he spread a report that he had succeeded in bribing a corps of the Samnite army. This circumstance gave his own soldiers more than usual confidence, and the rumour of it reaching the ears of the Samnites by deserters, made them probably suspect their foreign mercenaries, and keep them out of the way: a brilliant victory ensued. On two other occasions he succeeded in leading the enemy into an ambuscade. Such a general deserved a triumph: it is strange, however, that the annals state that he triumphed over the Etruscans.

The Samnite and Etruscan wars are essentially connected at this period, and may be considered as links in one great chain of military operations. In the same year in which Fulvius distinguished himself against the Samnites, 448 (454), L. Scipio sustained a most obstinate engagement with the Etruscans near Volaterræ, which was only broken off by night: the Etruscans, however, confessed themselves vanquished by abandoning their camp. The consul led back his army to Falerii, and making this place his headquarters, sallied forth and wasted the Etruscan territory in every direction. No enemy, however, made his appearance in the field, so that in the next year both the Roman armies turned their united strength against Samnium. The victories recounted on the sarcophagus of L. Scipio Barbatus do not allude to the year in which he acted against the Etruscans as consul, but to this now following, in which he served as lieutenant under Q. Fabius.

The circumstances of this year, 449 (455), were so threatening, that the whole nation, when the time for the election of consuls drew near, turned their eyes upon Q. Fabius, as a general whose good fortune had been as distinguished as his ability. But the law, which forbade the re-election of the same person as consul within ten years, would have been an insurmountable impediment to their wishes: it is probable, therefore, that either this law was suspended altogether, as in the subsequent war against Hannibal, or a special plebiscite was passed declaring Q. Fabius and P. Decius re-eligible without any limitation. Both the consuls led their forces into Samnium; Fabius by Sora, Decius through the territory of the Sidicini to Maleventum, with the intention, doubtless, of penetrating into Apulia. The Samnites concentrated their forces against Fabius, and endeavoured, though in vain, to surprise his army on its march. An engagement in the open field ensued, which was obstinately

disputed on both sides, and was only decided in favour of the Romans by a stratagem. L. Scipio, the lieutenant, having executed a circuitous movement with the hastati of the first legion, appeared suddenly in the rear of the enemy, and being mistaken for the consul Decius advancing with a fresh army, spread a panic through the Samnite ranks. Their loss was stated at 3,400 slain, and 1,320 prisoners: twenty-three military standards fell into the hands of the Romans.

Decius fell in with the Apulians near Maleventum, and engaged them successfully: they left 2000 men upon the field. Both armies now ravaged Samnium without resistance during the five following months, and probably Apulia likewise. The consuls of the next year 450 (456) were App. Claudius and L. Volumnius. The two ex-consuls, however, seem to have been invested with proconsular authority, and Fabius is said to have terminated the domestic quarrels of the Lucanians in favour of the *Optimates* and the Roman interest. The new consuls, on the return of Fabius and Decius to Rome, enrolled four fresh legions, and both marched into Samnium, but on the intelligence of war breaking out again in Etruria, Claudius hastened thither from the north of Samnium to prevent a junction of the enemy's forces. The Samnites had determined to send into Etruria an army paid and equipped by themselves under the command of Gellius Egnatius. Its strength was probably not very great, unless its numbers were very much reduced in the battle at Sentinum, as only 5,000 men returned into Samnium.

The arrival of a Roman army prevented some of the Etruscan towns from declaring themselves against Rome, which shows that the Samnites did not succeed in reaching Etruria till late. Arretium seems to have remained faithful to the Romans; perhaps the Cilnian family, whose influence there was very powerful, did

not allow it to act otherwise. Perusia, however, and Clusium, with Volsinii and Rusellæ, took up arms: the neighbouring Umbrian nations joined them, and Gallic mercenaries were sought for at any price. Claudius had taken the field with two legions, and 12,000 confederate troops. Volumnius had besides his two legions 15,000 confederates. The former could scarcely make head against the united forces of the enemy, and his situation at last became alarming. Volumnius hastened by the instructions of the senate to his assistance, but his presence was regarded by his colleague as an intrusion, and he was requested by him to return to his own province. The entreaties, however, of the army determined him to respect the general welfare rather than the scornful humour of his colleague, and he hastened to give the enemy battle. The accidental absence of the Samnite general with part of his forces rendered the occasion favourable, and the enemy were routed and thrown completely into confusion ere their general could return to their assistance. The importance of the victory may be inferred partly from the vow which Claudius made to consecrate a temple to Bellona, partly from the fact that Volumnius was enabled to return to Samnium and continue his operations there.

His presence in that country was the more necessary, as the Samnites had invaded Campania during his absence, and ravaged the open territory. When Volumnius reached Cales, he heard that the enemy were encamped with their booty on the Volturnus, and determined to attack them without delay. He led his troops by daybreak against them, just as they were breaking up their camp, and were already partly on their march: the victory was complete, the Samnite general, Statius Minacius, fell into the hands of the Romans, 7,400 captives were rescued, and an immense booty recovered. This victory dispelled the alarm of the Romans, who, in their apprehension lest the sub-

ject towns near the Liris should revolt, and the war approach the very walls of Rome itself, had proclaimed a general levy and a cessation from all ordinary business.

In order to secure the country about the Liris, two new colonies were founded: Minturnæ at the mouth of the river, and Sinuessa near the hill of Vescia. It was owing either to the importance of the situations in a military point of view, or the unhealthiness of them, that only Roman citizens were sent there; yet it was with great difficulty that a sufficient number could be prevailed upon to settle there, although the territory is one of the most fertile in the world.

The elections of the year 451 (457) had to decide the fate of Rome and the world, but they were not doubtful, for the entire nation unanimously acknowledged that Q. Fabius was the general whom fate had destined for the most threatening crisis in which Rome had ever been placed. He himself would only undertake the responsibility on condition that Decius should share it with him. The Gauls, whose approach was now dreaded, consisted not merely of the tribes which had already settled in Italy, but of numerous hosts which had lately poured over the Alps. Against so formidable an enemy Rome made more than usual preparations. The four legions of the preceding year were kept under arms: two new legions were enrolled, and in addition most probably two armies of reserve were formed out of the city-militia and the confederates. The subjects of Rome furnished even more troops than Rome herself: the Campanians alone 1000 horsemen, for as the Gallic cavalry was extremely numerous, the Romans strengthened this arm of the service beyond its usual proportion. There must have been at least 90,000 men in the field. A consular army under Volumnius, as proconsul, watched the movements of the enemy in Samnium: the remainder were opposed to the Gauls, the Samnites under Gellius Egnatius, the Etruscans, and the Umbrians.

Fabius, immediately after his election, proceeded with some new levies to join the army in Etruria, which was stationed, under the command of Appius Claudius, near Aharna. In the mean time Decius continued at Rome for the purpose of arming the extraordinary levies, and awaited the return of his colleague, who on the approach of spring intrusted the command of the northern army to L. Scipio. To prevent the Gauls from penetrating through Picenum, a legion was posted near Camerinum; its object was to defend the pass there in conjunction with the Camertes. The entire levies being completed, the two consuls advanced to effect a junction with L. Scipio, who had stationed himself between Nocera and Foligno. One of the armies of reserve was posted on the Vatican hill, the other near Falerii to keep up the communication with the main army, and to cover the passage across the Tiber to Otricoli, and the road from Umbria.

In the meanwhile the legion near Camerinum had been surprised by the Gauls, and cut off to a man, without its having been in the power of L. Scipio to succour it. The consuls first learnt the disaster from the approach of the cavalry of the Gauls, who spread themselves over Umbria, and interrupted the communication between the army of Scipio and the capital. We are not informed how the consuls were able to unite their forces with Scipio; but as the Etruscans and Umbrians kept themselves apart from the Gauls and Samnites, it seems not improbable that disputes about the chief command caused dissension amongst the confederates, which was serviceable to the Roman cause.

L. Volumnius had already engaged the Samnites in their own country, and defeated them near the Tifernus. He did not, however, follow up this advantage, as the consuls, now fully aware of the extent of the danger which threatened them, caused him to unite his forces with theirs, and determined to bring the Gauls to an engagement. The latter, however, perhaps expecting

new reinforcements, endeavoured to avoid a battle, upon which the consuls advanced across the Appennines to Sentinum, and threatened the territory of the Senones, who, as it appears, hastened to protect their open villages, and obliged the Samnites to follow them. Fulvius in the meanwhile advanced to Assisi with the reserve from Falerii: from this position he threatened Etruria, and kept a check upon Samnium, whilst Postumius moved up into his positions at Falerii with the troops from the Vatican hill, and covered the city from any assault on the Æquian side. By these movements the Etruscans, unwilling to advance far from their own country thus menaced, were compelled to separate from the Gauls. It is doubtful, however, whether they and the Umbrians did not take part in the battle, as both nations are mentioned in the *Fasti* amongst those over whom Fabius triumphed.

The Romans had learned from deserters, that the original design of the enemy was that the Etruscans and Umbrians should attack the Roman camp, whilst the Gauls and Samnites gave the Romans battle. As soon, therefore, as the manœuvres above alluded to had induced the confederate armies to separate, the consuls determined to bring the Gauls and Samnites to an engagement. Fabius led the right wing of the army against the Samnites; and Decius, supported by Volumnius, faced the Gauls on the left. A favourable omen, just as the battle commenced, gave fresh spirits to the Romans. It was now summer, and the glowing heat of the sun, to which the Roman soldier was inured, was almost intolerable to those Gauls who had lately crossed the Alps. On this occasion the tactics of the two consuls were different: Fabius, as usual, kept a strong body of his troops in reserve, whose advance might decide the day when the enemy was tired; whilst Decius, dreading most the first onset of the impetuous Gauls, opposed them with the whole strength of his wing at once. But the charges

of the Gallic cavalry and war-chariots broke the ranks of the Roman cavalry, and drove them in disorder upon the infantry, which was in consequence thrown into confusion, and flight spread through the whole Roman wing. At this moment the consul Decius determined to devote himself for the army, and commanded the Pontifex, M. Livius, to repeat the sacred formula. He then spurred his horse into the thickest ranks of the enemy, and fell pierced by their darts. From this time the fortune of the day turned. The Romans rallied themselves at the voice of the Pontifex: a panic spread amongst the Gauls; and the advance of the reserve, which Fabius had despatched to the support of the left wing, completely checked them. In the mean time Fabius, perceiving that the Samnites began to slacken in their exertions, brought up his second line, and commanded his cavalry to charge them in the flank. The Samnites were in consequence thrown into disorder, and fled to their camp. Fabius pursued them vigorously, and having detached a portion of his troops against the rear of the Gauls, followed up the enemy so closely with the remainder, that he entered their camp with them. In the last struggle Gellius Egnatius fell, happy in not surviving the unfortunate issue of his great enterprise. The victory was now decided, and the camp of the enemy was in the possession of the Romans. On the following day the body of Decius was found amongst the slain, and his exsequies were celebrated with due honours. The loss of the Gauls and Samnites is stated at 25,000 slain, and 8,000 prisoners: whilst there fell on the side of the Romans about 7,000 on the left wing, and 1,200 on the right.

About the time of the battle near Sentinum, Cn. Fulvius defeated the Etruscans. Fabius, immediately after that engagement, despatched Volumnius across the Liris against the Samnites, and having dismissed the city legions, proceeded to ravage the territory of

Perusia. He then returned to the capital, and celebrated a triumph. In the mean time Volumnius with his own army, and with the remains of the army of Decius under the command of App. Claudius, conducted the operations against the Samnites successfully, and defeated them in the Stellanian territory. The courage, however, of the Samnites was still unbroken, and in the following year they meditated a new campaign in Etruria, but the peace which some of the principal towns there had separately concluded with the Romans probably frustrated the execution of their plan.

The events of the next year, 452 (458), are variously related, but the Fasti record expressly the triumphs of both consuls at the end of their year of office: that of Postumius over the Samnites and Etruscans, and that of Atilius over the Volsones and Samnites. For the following year, 453, L. Papirius Cursor and Sp. Carvilius were elected consuls, and the recollection of this glorious campaign was the cause of their being chosen, twenty-one years later, to terminate a conflict which had then lasted seventy years, when they fulfilled the expectations of their fellow-citizens by the entire subjugation of Samnium. The Samnites had made great efforts for this war. A chosen legion of 16,000 men, called *linteata*, from the tent in which each individual was sworn with fearful rites and ceremonies to fight to the last extremity, formed the strength of their army, which was encamped near Aquilonia. Papirius prepared to attack them, whilst Carvilius blockaded Cominium, and availing himself of an opportunity when the Samnite army was weakened by their general having despatched 8,000 men to the relief of Cominium, achieved a complete victory. Aquilonium fell into the hands of the victors, and the troops which had been despatched to Cominium, hearing of the defeat of the main army, escaped in great confusion towards Bovianum. Comi-

nium, in the meanwhile, was taken by storm by Carvilius, and that town, as well as Aquilonium, was abandoned to the ravages of the soldiers, and set on fire, for the Romans never attempted to maintain possession by a garrison of any place in the interior of Samnium.

Several engagements of less importance followed, nor did L. Papirius quit Samnium till the snow rendered it impracticable to keep the field. Carvilius had in the mean time marched into Etruria to check some hostilities on the part of the Faliscans. After which both consuls entered the capital in triumph. The spoils of the Samnite campaign were of unusual value and splendour, and were principally employed in decorating the temple and forum of Quirinus, which the father of Papirius had commenced: whilst Carvilius with part of the plunder from Etruria, raised a temple to Fortune: both generals, however, paid large sums into the treasury.

The Samnites had renewed hostilities in the Falerian territory on the withdrawal of the Roman army, and in consequence the army of Papirius was obliged to return thither after the triumph, and to take up their quarters there. In the following year 454 (460), Q. Fabius Gurges assumed the command there; he was opposed by C. Pontius, who in his old age still displayed the same vigour and ability which in his youth had been so fatal to the Romans. Fabius mistook the retreat of a reconnoitring corps of the Samnites for that of their entire army, and pursuing them incautiously met with a discomforture, which the setting in of night alone prevented from being complete. The caution of the Samnites, and a rumour, that Fabius Maximus his father was advancing with reinforcements, alone saved the Romans from destruction, they, however, lost 3,000 men, and all their baggage.

Such a reverse, where success was naturally expected, after such an unbroken series of victories, excited the

greatest indignation against a general, to whose imprudence the entire disaster was due. A pestilence had been now raging for three years, and it was not improbable that Etruria might take courage and renew hostilities. Under these circumstances the senate determined to degrade the consul, and engaged the tribunes to propose a bill for depriving Q. Fabius of the *imperium*. It seems not improbable that Appius Claudius, who is spoken of as dictator in an ancient historical inscription, was appointed to that office on this occasion.

Fabius was of course unable to justify his conduct when summoned by the senate to appear before the assembly at Rome, but the entreaties of his father, who undertook to assist him with his counsels and presence in the field, were successful in averting his intended degradation. They returned both together to renew the campaign, and now indeed the two greatest captains of the age were opposed to each other in the persons of Fabius Maximus, and C. Pontius. Where the engagement took place which decided the fate of Samnium, is unknown, but the successful issue of it was due to the father of the consul, who decided the fortune of the day by advancing with the reserve at a critical moment. The loss of the Samnites in killed and captured was very great, but their chief loss was in their general, C. Pontius, who fell into the hands of the Romans, and although the submission of the Samnites was protracted till the following year, the war was virtually terminated.

This event took place in the forty-ninth year after the commencement of the first Samnite war. Pontius was led in fetters to adorn the triumph of Fabius, and then beheaded. It is consoling to turn one's eyes from such a horrid spectacle, to gaze upon the paternal affection of the aged Fabius, following the triumphal chariot of his son on horseback. He probably did not survive this event long: none of his contemporaries possessed such popularity as himself, and the poorest

individual contributed his mite to enhance the splendour of his funeral.

The consul of the following year 455 (461), L. Postumius, although his conduct towards the senate and his colleague was most outrageous, displayed considerable military talent. He extended his conquests to Venusia in Apulia, where the senate determined to establish a colony, which might effectually keep a check upon Tarentum, and provided that Lucania remained faithful, would complete the chain of fortresses round Samnium.

The consuls of 456 (462) were P. Rufinus and M. Curius, the latter led an army against the Sabines, who had probably incurred the resentment of the Romans by not resisting the passage of the Samnites through their territory into Etruria. The Sabines seem to have enjoyed for a century and a half undisturbed relations of *isopolity* with Rome, and to have remained strictly neutral during all her wars. Such a state of things, however, could not be expected to continue, when Rome had to bear the brunt of a war against the common enemies of Italy. It is, therefore, highly probable, that the senate ordered the Sabines, as it had done in the case of the Æquians, to receive the *Cerite Franchise*, and, as subjects, to furnish troops. Instead of accommodating themselves to the emergency, and thus paving the way for the acquisition of the full rights of citizenship, the Sabines took up arms, though long unaccustomed to them, and invaded the Roman territory. Curius, avoiding their main army, sent detachments into their country, which overran without resistance their open villages, and compelled their troops to separate and return each to the defence of his home and family. Curius then marched an army into their territory and subjugated it as far as the Upper Sea. According to Livy, the colonies of Castrum and Hadria were now established, but as Sena is spoken of at the same time, which could not have been settled till

after the extirpation of the Senones, they were probably, as Patereulus says was the case with Castrum, not established till about the commencement of the first Punic war.

The territory acquired by this conquest was of the most fertile character, and most highly adapted for the cultivation of the olive and the vine. The conquered people were admitted to the Cærite franchise, and several of their towns were made Roman *præfectures*. Præfects were likewise established about this time in several towns of Samnite and Volscian origin, whilst Cære itself seems in the course of this century to have become a dependent *municipium*.

It is with the campaign of 451 (457) that all connection ceases between the Samnite and Etruscan wars. In the year 452 L. Postumius celebrated a triumph over the Etruscans, but hostilities seem to have continued for several years, interrupted occasionally by temporary armistices. The Faliscans experienced a defeat in 451 from the consul D. Brutus : but the remaining events of this war are lost to us, as it is one of the most obscure periods in the whole history of Rome.

CHAP. LXII.

DOMESTIC HISTORY FROM THE THIRD SAMNITE WAR DOWN TO THE LUCANIAN.

DURING the war with the Gauls, Rome seems to have suffered both from famine and pestilence, the former perhaps connected with the repeated devastations of Campania and a failure of the crops, the latter a species of typhus a natural consequence of the famine. As the pestilence continued to rage in 433 (439), now its third year, the Sibylline books were consulted, and envoys were despatched in accordance with their ad-

vice, to fetch Æsculapius from Epidaurus. The god himself, however, was not obliged to forsake his temple there, but an immense serpent issued from the sanctuary and established itself on board the Roman trireme. Having learnt the ceremonies connected with the worship of the god, the envoys departed with their charge, and on their arrival in the river, the serpent plunged overboard and swam to the island where the temple was building, and disappeared there. This legend, though much embellished, has doubtless an historical basis: and in commemoration of it, subsequent ages formed the Tiberine island into the shape of a colossal trireme of *Travertino*, with the figure of a serpent on it.

It is in the period from 454 (460) to 459 (465) that the epitome of Livy fixes the institution of the *Tresviri Capitales*, which seems to have originated with L. Papirius who was prætor in 454. The words of the law, as quoted by Festus, purport that the prætor should every year cause three persons to be elected by the people, whose duty it should be to exact sureties and administer justice in those matters which had formerly come under the jurisdiction of the quæstors. How far the authority of these magistrates extended is uncertain; it would seem, however, that the duty of the *Tresviri* was to collect not merely the sureties to be deposited by the two parties at the commencement of a civil action, but probably the fines of the *duplum*, and the *quadruplum*, which did not devolve to the injured party, but were to be paid into the national chest, as in the case of illegal usury for instance. The crimes, respecting which they pronounced summary judgment, were those of a capital nature, in which the offender was taken in the fact; in such cases, according to Roman notions of justice, a trial would have been a mockery of common sense. The only question to be decided was the identity of the person of the criminal. Crimes of this kind were all such as broke *the king's peace*, where the criminal became the public enemy, such as burglary,

robbery accompanied by violence, and murder. The *Tresviri* seem to have had a police-jurisdiction over those who had no claim to the protection of the tribunes: whether indeed they conducted the preliminary examination in cases which did not come before the tribunal of the people, is not quite certain; but in cases of evident delinquency where the prætor sentenced the guilty person to slavery, they most probably assisted in preparing the proceedings for that magistrate.

The last attempt to transgress the Licinian law respecting the election of consuls appears to have been made in 447 (453), by Appius Claudius, as interrex, who refused for some time to accept any votes for a plebeian candidate, but the tribune M'. Curius compelled him at last to desist. The law respecting the extent of holdings, which individuals might possess in the public land, does not appear to have been rigorously put in force, if we may judge from the extensive possessions of the consul Postumius, but in the year 448 (454) the ædiles brought the question before the people, and all those whom they accused were found guilty. The fines in this case, as well as when the right of pasture in the public land had been abused, were employed on the public works. Since the Latin war, indeed, no assignment of land is mentioned, probably because the greater part of the conquered territory was insecure, and therefore not adapted for isolated settlements: but the proportion of colonies established during this period was increased, and thereby the claims of the allies and of the poorer citizens were fully satisfied. Now, however, at the termination of the Sabine war, the republic found itself in possession of vast tracts of great fertility and in protected situations, and a general assignment of hides of seven acres took place. Curius, who acted as one of the triumvirs to superintend the distribution, was resolute in resisting the demands of the citizens that the lots should be of greater extent, as the con-

quered land would fully allow of it: to him, indeed, riches were a burden, and he refused to accept more than a single hide in the Sabine territory, the lot of a common soldier. Here he inhabited that simple farm where he refused the gold of the Samnite ambassadors, and whither Cato made a pilgrimage as to a holy shrine.

Curius, either as Agrarian commissioner, or as censor, had achieved a work which stands unrivalled. The waters of the lake Velinus covered many miles of country, as it was prevented by mountains from discharging itself into the Nera. Curius, however, conceived the design of cutting a deep and broad channel through the limestone-rock a mile in length, along which the river Velinus, the creation of his hand, flows with great rapidity, and falling down a height of 140 feet unites itself with the Nera. This is the Cascata del Marmore, or the Falls of Terni; nature, indeed, has produced mightier and more stupendous falls, but the most beautiful in the world is the work of a Roman. He threw over this canal a bridge of a single span, and of Etruscan architecture: constructed with large freestone, and without cement, yet not a joint has given way, though for more than a thousand years a heavy bank of earth has pressed upon it. The course of the water till it reached the canal was regulated by dykes, and thus the *Rosea* has been gained, the *Tempe* of the Reatines, the richest district in Italy.

The result of the long wars to which Rome had been exposed, although the commonwealth had purchased immeasurable advantages by them, was still most fatal to the existing generation. Their blood and wealth had been poured out profusely, and the exhaustion consequent on this was very great. Hence, indeed, a long train of disorders sprung up, during which the tribunes proposed the abolition of debts, and the people went so far as to encamp on the Janiculus: the tumult, however, was appeased by the conciliatory measure of the dictator, Q. Hortensius. It seems probable that a reduction in the amount of all debts was conceded.

The *Hortensian* law was passed on this occasion, by which the full validity of a law was attached to every plebiscite. The words of it were, “*ut quod tributim plebes jussisset, populum teneret*,” where *populus* means the houses, probably with their clients. How much was withdrawn by this law from the patricians, whether a right, or merely the shadow of a right, depends on the meaning of the *Publilian* laws, which can hardly be made out from the sources of history hitherto at our command. It would seem, however, that by this law the *veto* of the *senate* against a plebiscite was abolished, and that the *Publilian* had previously done away with the necessity of the *auctoritas* of the *curies*. The equilibrium of parties in the state was now decidedly destroyed, a great evil under any circumstances: henceforward the commonalty could arbitrarily limit the power of the senate and the magistrates, and could diminish at their pleasure the honours and the fortunes of the senators, at least before the *Ælian* and *Fusian* laws set bounds to this despotism. The date of this event must be placed somewhere between 458 (464) and 463 (469.)

The cause of the passing of the *Hortensian* law was probably the refusal of the *curies* to approve a plebiscite which *Curius* had brought forward respecting an assignment of land. Nearly contemporary with it was the *Mænian* law, which obliged the patricians to confirm beforehand the election of magistrates: its author seems to have been the venerable *C. Mænius*, whose unspotted integrity had been proved in his dictatorship of the year 436 (442). After the passing of the *Hortensian* law interregns cease to occur, and the beginning of the consular year remains permanently fixed about the ides of March.

CHAP. LXIII.

MISCELLANEOUS EVENTS OF THE SAME PERIOD.

ABOUT this time Demetrius Poliorcetes was at the height of his power, and is reported to have sent an embassy to Rome to complain of certain acts of piracy in which Roman vessels had been detected. These seem to have belonged to one of the maritime towns subject to Rome, and to have been seduced by the example of the neighbouring Etruscans; in fact, Tyrrhenian corsairs rendered the navigation of the Ægean unsafe, till the Rhodians established themselves as a maritime power, and their cruisers cleared the sea of pirates. This, however, did not happen till a later period: in the mean time the Romans appear to have taken measures to put an end to such a scourge.

During this period Rome was embellished with public buildings and works of art. The she-wolf of the Capitol is in all probability the same with that which Livy mentions as erected about the year 451 (457), in the attitude of suckling the twins near the Ficus Ruminalis. This and the sarcophagus of Scipio Barbatus, of a somewhat later date, give us a favourable idea of the Roman works of art at this time. It may be presumed that the colossal statue of Sp. Carvilius, the size of which was such that it was visible from the Alban hill, was no less distinguished, and was probably of the severest Etruscan style. The material of all such statues was exclusively brass, just as the buildings were of *peperino*.

The increasing wealth of the state may be inferred from the number of gold and silver vessels consecrated in the temples. Papirius Cursor set up a sun-dial in the temple of Quirinus in the year 453, without doubt

part of the spoils of the Samnite war; and in the same year the custom seems to have been introduced of presenting palms to the victors in the public games.

The census of the year 453 contains 262,000, that of the following lustrum 272,000 heads: this increase, in spite of disease and famine, may perhaps be accounted for by the fact that the Sabines were now included in the census.

CHAP. LXIV.

THE ETRUSCAN AND GALLIC WARS.

THE recommencement of hostilities by the Etruscans and Gauls was in accordance with a grand scheme of operations against Rome, concerted with the inhabitants of southern Italy. The campaign on the side of the Romans was opened by the prætor L. Metellus, who marched to the relief of Arretium, which the Senones and Etruscans had laid siege to. The circumstance of this army being under the command of a prætor leads to the conclusion that there must have been at least six legions raised, and not improbably an army of reserve. This expedition had a most disastrous issue, as the prætor with seven military tribunes perished on the field of battle, and the army itself was almost entirely cut to pieces: it is moreover reported that M. Curius, who was elected in the place of the fallen prætor, sent an embassy to the Gauls to ransom the prisoners. This account of Polybius is confirmed by Appian, who likewise states that the barbarians, intoxicated with victory, disregarded the sacred character of the *feciales*, and put them to death.

Vengeance, however, was not far off. The consul P. Dolabella, having made a circuit with his army through the territory of the Sabines and Picentes, appeared suddenly in the defenceless territory of the

Senones and ravaged it far and wide. The country was devastated with fire and sword, and the women and children alone spared to be led away in slavery: a colony was then established at Sena, and Britomaris, who had instigated his countrymen to murder the heralds, was taken prisoner, and reserved to adorn the triumph of the consul.

Alarmed at this frightful catastrophe of a kindred nation, the Boians, who inhabited the country between the northern side of the Appennines and the Po, took up arms, and poured in a formidable power through the defiles in the Appennines near Fiesole. Having effected a junction with the Etruscans and the remnant of the Senones, they marched upon Rome, and encountered a Roman army near the lake of Vadimo. It is probable that both the consuls had united their forces here to meet so formidable an enemy; the result was one of the most decisive victories in Roman history.

The Boians, however, did not despair, but raised a new army, and advanced again into Etruria in 464 (470). An engagement ensued near Populonia, in which the Roman troops were nearly drawn into an ambuscade; but the watchfulness of the consul Q. Æmilius Papus frustrated the attempt, and gained a second victory over them. His colleague was employed against the nations of southern Italy. This defeat of the Boians was so complete, that for more than fifty years they could not be induced to take up arms again.

The submission of the Etruscans followed soon upon the defeat of the Gauls, though hostilities were occasionally renewed by individual towns. In fact Pyrrhus had reckoned upon the co-operation of the Etruscans at the time when he gained the battle of Heraclea, but Rome had just then brought the war in Etruria completely to a close by the subjugation of the Volsinians. It is not improbable that the Romans granted

them more honourable conditions than usual, in their anxiety to prevent a junction between Pyrrhus and the Etruscans, for subsequent history shows that the Etruscans were by no means burdened with heavy duties as allies: in fact, they seem not to have been comprehended amongst *the allies and Latin nation*, but to have enjoyed peculiar relations with Rome, which were of a far less oppressive and humiliating character.

CHAP. LXV.

THE LUCANIAN, BRUTTIAN, FOURTH SAMNITE, AND TARENTINE WARS..

DURING more than forty years after the death of Alexander of Epirus, the Lucanians almost entirely disappear from history. The independence which they regained at the termination of the third Samnite war was employed by them in making war against Thurii, which town, having risen within sixty years from its foundation into almost incredible prosperity, had received about a hundred years ago from the Lucanians at the battle of Laos a blow which it had never recovered. Since that event Magna Græcia had become completely exhausted in resisting the enterprises of the Sicilian tyrants, and the attacks of the Lucanians and Bruttians: several Greek cities had been destroyed or colonised by barbarians, and Thurii itself had maintained a precarious existence by alternate alliances with the tyrants of Syracuse or the barbarians of Italy.

Three or four years after the end of the third Samnite war (Ol. 122. 3 or 4.) Agathocles died, and thereby delivered the Bruttians from an enemy whose great military power had compelled them to keep aloof from the affairs of Italy. They were now secure

against all attacks from Sicily, in consequence of the anarchy which prevailed in Syracuse, and the foundation of the Mamertine state in Messana, by a band of robbers, of a kindred stock. Croton and Metapontum were in ruins: Tarentum alone was in a state to furnish succour to its Greek kinsmen, but the temptation to form a general alliance with the Brutians and Lucanians against Rome prevailed over all other feelings. Thurii, consequently, being exposed to certain ruin, had no other resource than to throw itself upon the protection of Rome, which was the more inclined to assist it, as war promised to divert the attention of the people from domestic tumults. It was by no means difficult for the Romans to chastise the Lucanians, either by a maritime attack upon Posidonia, or by an invasion of their territory from Venusia, but there were great difficulties in the way of succouring Thurii; these, however, must have been surmounted, as that town had not fallen in 464 (470), a year after these occurrences. The project of forming a general alliance between northern and southern Italy against Rome, which had originated forty years before, seems now to have been revived, and to have derived increased importance from the accession of the Brutians. The Tarentines appear to have taken a most active part in the negotiations.

The senate alarmed by the threatening aspect of affairs despatched an embassy to the different allies of Rome to secure their allegiance. In the year 464 Fabricius, as consul, led an army to the relief of Thurii, which the Lucanians and Brutians, under the command of Stenius Statilius, were besieging. The result of an engagement beneath the walls of the city, in the account of which the last poetical episode in Roman history is introduced, was favourable to the Roman arms: the general of the confederates was taken prisoner, and the Thurians testified their gratitude to their deliverer by the erection of a statue

to him. The booty collected in this campaign, in which several other battles were attended with similar success, was greater than any hitherto known: 400 talents were paid into the treasury after the soldiers had been liberally rewarded, and the citizens had received a remission of the tax for the payment of the troops.

Thurii had received a Roman garrison, but on the retreat of the Roman army the connection with Rome could only be maintained by sea. Whether the treaty between Rome and Tarentum, by which the former city had agreed that her vessels of war should not navigate further north than the Lacinian promontory, had expired or not is uncertain; but the sight of a small Roman fleet in the offing of Tarentum had such an effect in exasperating the multitude, who were accidentally assembled in the theatre, that they threw themselves furiously into their galleys, and attacked the Roman vessels, which were quite unprepared for resistance. Five only of these escaped; of the rest four were sunk and one taken. The crews were either put to death or made slaves. The Tarentines then sent troops against Thurii, which being now cut off from all succour, was obliged to open its gates; the Roman garrison was dismissed, and the chief inhabitants exiled. This event happened before the expiration of the year 464.

The Roman senate was anxious, if possible, to avoid a general war with southern Italy, whilst Etruria continued its resistance. Its demands were therefore as moderate as the dignity of the republic would allow, being confined to the liberation of the prisoners, indemnification for the losses suffered, and the surrender of the authors of the outrage. The Tarentine people, however, were anxious for war, and not merely refused to listen to the Roman ambassadors with respect, but grossly insulted them. The Roman senate, thereupon, after cautious deliberation, deter-

mined that the new consul, L. Æmilius Barbula, should lead an army against Tarentum, with directions to endeavour, if possible, to terminate the quarrel pacifically; but the Tarentines would not consent to humiliate themselves by any concessions. Their hopes, however, of a general coalition against Rome had been frustrated, and Samnium was too exhausted to take part with them. Nothing, therefore, remained to them but to take the field themselves with an army of mercenaries, according to their old system; and they forthwith despatched an embassy with rich presents to Epirus, to call in the assistance of Pyrrhus, whose army was the nearest and the best equipped.

They were, however, well aware that Pyrrhus would make his appearance in Italy with far higher pretensions than Alexander the Molossian. He could not be treated as a common mercenary, as he had not yet resigned his hopes of succeeding to the throne of Macedon. It was only the prospect of a kingdom in Italy or Sicily that could tempt him; and though by his own desire a clause was introduced in the treaty, that the Italiots should not detain him longer than was necessary for their defence, the Tarentines could not be deceived by this: the secret object of it was probably to secure himself an excuse for retiring without dishonour, in case of an unfortunate issue to the war. No reflecting Tarentine could avoid perceiving that the independence of his country would be sacrificed; but, on the other hand, Tarentum would become the capital of a great kingdom, and the government of one able individual might be preferable to the disorder resulting from incapable rulers.

In company with the Tarentines, ambassadors from all the Italiot cities, excepting Rhegium and Elea, presented themselves before Pyrrhus, and, as Greeks, implored the protection of a king, who, though reigning over barbarians, was connected with them, not merely by language and habits, but by descent from a

Grecian ancestor. It seems not unlikely that contemporary writers already mentioned that Pyrrhus, as an *Æacides*, felt himself called upon to make war against the descendants of the Trojans, and was lured on by a foreboding of victory.

Pyrrhus took the precaution of detaining the greatest part of the ambassadors, under the pretext of their superintending the preparations, but in reality as a security against any change of purpose amongst the Italiots. He seems likewise to have had partly in view the obtaining pledges against an attack upon his hereditary kingdom by the Macedonians during his absence, when he requested the assistance of a body of troops from Ptolemy Ceraunus, who was at that time master of the Macedonian throne: it is not improbable that the rapid progress of the Roman arms in Italy of late years, and the sudden catastrophes of powerful empires, now so frequent, might have given to an expedition into Italy the character of a national affair, at least in Macedonia and Greece. If we may credit Justin's account, Ptolemy sent a powerful body of auxiliaries as a reinforcement to Pyrrhus when already in the enemy's territory.

The Romans had in the mean time commenced active hostilities in the Tarentine territory, and had beaten the Tarentines in the field, and taken several fortified places. This ill success had damped their ardour, and fear had already begun to work a favourable change in the feelings of the Tarentines towards Rome, when the arrival of Milo with 3,000 Epirots reanimated their drooping confidence. Milo, however, did not confine himself within the walls of the city, but when L. *Æmilius* was retiring from Lucania on the approach of winter, he sallied forth and attacked the Roman columns in a defile near the sea, where the Tarentine fleet could co-operate with their military engines, and would have succeeded in inflicting a severe loss upon them, had not the missiles of the

Tarentines been rendered powerless by a stratagem of the Roman general. He exposed the captives in a long file on the flanks of his column, and their friends had not the heart to direct their weapons against them.

Æmilius had his command prolonged to him as proconsul, and, as we may infer from the *Fasti*, did not celebrate his triumph till the year 467 (473). In the mean time he had most probably gained some additional victories over the Samnites, as the names of that nation and of the Sallentines are recorded in the title of his triumph.

CHAP. LXVI.

EPIRUS AND PYRRHUS.

THE whole country facing Corcyra and the Cephallenian islands, and extending from the Acroceraunian cliffs to Rhium, was from ancient times, and even during the Peloponnesian war, designated as Epirus, or the continent, in contra-distinction from the islands. It was at a later period, when Ætolia and Acarnania stepped forth from the shade, and the nations generally to the north of the Ambracian gulf had been united in one kingdom, that a more limited meaning was given to the word, and the term Epirots was employed to designate the non-Grecian inhabitants of the country, particularly those of whom that kingdom was composed. These Epirots were just as little Greeks as the Siceli; they were, however, not an entirely foreign race, like the Thracians and Illyrians, but of kindred extraction, so that they might to a certain extent be considered as Greeks, just as the Carians and Lydians, who had adopted the Greek language, were regarded at Rome as Greeks, and were likewise admitted to the Olympic games.

It has been previously stated that the Epirots are to be considered as a pure race of the mysterious Pelasgians, descended from the same stem as the Ænotrians and Peucetians, and that Chonians dwelt on both shores of the Ionian sea. For this reason their language was different from the Greek, though akin to it, in the same manner, perhaps, as the Afghan language is to the Persian. It would seem, from a passage in Aristotle, that the Hellenes who dwelt about Dodona called themselves Græci, and on the hypothesis that the Pelasgians on both shores of the Ionian sea called themselves by the same name, the reason is evident why the Italians employed this term, or the olden form of Graii, even before Hellenic colonies settled in Italy.

The Epirots, according to Scylax, lived in villages, nor is this statement refuted by the existence of a great number of Cyclopiæan walls encompassing the tops of mountains. These, indeed, are of but small extent, and seem to have been strongholds for the preservation of life and property; but there are no traces of temples and public buildings such as would warrant amongst Greeks the epithet of towns, nor are there any genuine Epirot coins older than Pyrrhus. Yet this simplicity was but the cloak for a similar rapaciousness and bloodthirstiness to that which stains the national character of their Illyrian successors.

Each of the fourteen Epirotic tribes was independent, unless when one of them established for itself a *hegemonia* over a greater or smaller number of them. The government was amongst some tribes, such as the Molossians and Orestians, vested in a king; amongst others, as the Chaonians, in the hands of a *dynasty*, where the members of a particular family were exclusively eligible to the magistracy which had superseded the kingly office. The cause of the continuance of the regal form of government amongst the Molossians was its constitutional character, as at Pas-

saro, perhaps every year, king and people mutually swore to govern and to obey according to law. Since Aristotle could institute a comparison between the kingdoms of Molossis and Sparta, we may infer the existence of a council composed of the heads of the different families, resembling that of the captains of the Pharas of the Suliots in the present day in the same country. A free constitution without a public assembly is never met with in ancient times; and such an assembly may be recognised in that by which *Æacides* was deposed.

Amongst the Pelasgians of Epirus the same fundamental institutions of state prevailed, the divisions into *gentes* and *tribus*, as amongst the Romans and the Greeks. The traditionary descent, however, of the royal family of Molossis from Neoptolemus must be regarded as possessing the same weight as similar ones from Hercules, Numa, or Pythagoras at Rome. In like manner the Cestrinians, the neighbours of the Molossians, traced up their national genealogy to Trojan fugitives, who after the destruction of their city had been permitted to emigrate westward; and it seems probable that both these nations endeavoured at a very early period to refer the genealogies of their royal families to heroes, whose fame extended beyond the boundaries of Hellas. Just, however, as at Rome the genealogy which connected Romulus with *Æneas* fell short of the Trojan age by several centuries, so the Epirot genealogy, which commences with Tharyps as the fifteenth from Neoptolemus, falls short of the same period by more than two centuries and a half according to the Alexandrian chronology.

The birth of Pyrrhus happened about seven years after the death of Alexander the Great, Ol. 115. 3. His father *Æacides* had accompanied his relative, the queen Olympia, on her return to Macedonia, and when fortune declared against her was obliged to flee for his life (Ol. 116. 1). Pyrrhus, then two years old,

was rescued with great difficulty by some faithful attendants, and obtained shelter with Glaucias king of the Taulantians, who remained proof against either the threats or bribes of Cassander, and continued his protection to the infant after the death of Æacides. When Pyrrhus had attained his twelfth year, the appearance of Demetrius in Greece encouraged the Epirots to rise in arms against the tyranny of Cassander, and the young prince was restored to the throne of his ancestors. This triumph, however, was of short duration, as upon Demetrius being obliged to withdraw his forces from Greece to assist his father in the war which ended so fatally for him at Ipsus, Ol. 119. 4. (U. C. 446), Cassander turned his arms immediately against Pyrrhus and expelled him. Pyrrhus then shared the fate of his brother-in-law Demetrius, and went as a hostage for him to the court of Alexandria, Ptolemy being somewhat inclined at that time towards a reconciliation. Here his better fortune commenced: the queen Berenice married him to Antigone, her daughter by her first husband, and persuaded Ptolemy to furnish him with money and a fleet to achieve the recovery of his dominions. He agreed at first to share his kingdom with Neoptolemus, who was then on the throne, but shortly after regained the sole possession of it by violence. This may be considered as the true commencement of the reign of Pyrrhus, Ol. 121. 1. (U. C. 451.) The death of Cassander freed him from all apprehensions from that quarter, nay, one of the sons of that inexorable enemy had to claim protection for his life and crown from the ruler of Epirus. The youth Alexander in return renounced his claim to all those places in the west of Thessaly and in the south of Epirus, which had enabled the Macedonian monarchs to keep the Molossian state in dependence. Pyrrhus then established his royal residence in Ambracia, and assumed the title of king of the Epirots; he now laid the founda-

tions of that alliance with the Ætolians which remained unbroken during his own life and that of his son Alexander, and, strengthened by this alliance, he was enabled to compel Demetrius the king of Macedonia to make peace with him. When subsequent hostilities broke out, on the marriage of Lanassa, the daughter of Agathocles and queen of Coreyra, to Demetrius, Pyrrhus might have occupied with facility the throne of Macedon, had he not unfortunately listened to the proposals of the crafty Lysimachus, who subsequently deprived him of the territory then ceded to him. Since that time he had probably remained quiet in his hereditary kingdom, till the arrival of the Tarentine ambassadors in Ol. 124. 3. (U.C. 465.)

Pyrrhus, when he set out for Italy, was thirty-seven years of age, the most happy period of life for great enterprises, when the fire of youth is still unquenched, and the experience and reflection of an active life serves to moderate its ardour. His education had practically fitted him for great emergencies : he had the art of captivating and swaying all who approached him : yet his whole talents were directed towards isolated objects : acquisition alone had charms for him : thus he was greater in battles than in campaigns ; and as he bore disappointment easily, trusting to his own skill and talent to make amends for it in the next engagement, so he felt annoyed at having the least trouble in preserving adherents whom he had once gained, and preferred even to be abandoned by them. It was the recklessness of conscious power, which made him only feel enjoyment, when he was conscious of exertion. The problem which he ought to have solved was the defence of Greece against the barbarians of the north, but he was first called away into Italy, and the fickleness of the Macedonians prevented him afterwards from forming an united barrier against them.

Other kings at that time were surrounded by flatterers and courtiers, but Pyrrhus had friends, and who but

Pyrrhus had a Cineas? Others had mortal enemies in their families, and traitors in their courts, but in the family of Pyrrhus all were happy, and the faith of his Epirots was stainless. His gratitude towards his subjects was equal to their affection to him; his generosity towards his enemies boundless; and when he became acquainted with the Romans and found that a people really existed in his times, he forgot that war rendered them his enemies, and thought to win them over to his friendship by giving utterance to his feelings of admiration for them. It was only in his capacity of general that he insisted on unconditional obedience: as a king he pardoned even unseemly liberties: as a writer he certainly had a taste for poetry, if we may judge from his triumphal inscriptions.

There are two stains upon his character: but the death of his colleague on the throne may be regarded perhaps as a measure of precaution in his own defence; his bad faith, however, towards Sparta cannot be palliated, for the Spartans entertained no hostile intention towards him.

The forces with which he undertook the war, were by no means inadequate. He had despatched beforehand 3,000 soldiers, and marched himself at the head of 20,000 spearmen, 3,000 cavalry, 2,000 archers, 500 slingers, and twenty elephants. Amongst these were *Ætolian*, *Illyrian*, and *Macedonian* auxiliaries: the great body, however, of his troops were hired mercenaries. According to Plutarch the troops which the *Tarentines* and *Italian* nations undertook to furnish, amounted to 20,000 cavalry and 350,000 infantry; but these numbers, particularly that of the infantry, are either totally destitute of historical truth, or there has been some confusion between the registers of the census and the muster-rolls. The co-operation, however, of the *Etruscans*, and of several of the *Roman* dependencies, such as *Præneste* and other towns, was expected.

Eight legions were raised on the side of the Romans

besides the troops of the allies and dependent towns. The Frentanians, the Marsians, and their kindred tribes, served under Roman colours. In the year 466 (472) L. Æmilius Barbula, the consul of the preceding year, conducted the war with the Samnites: P. Lævinus with a consular army took the field against Pyrrhus, and Coruncianus with a second consular army brought the war in Etruria to a close. Two legions in the mean time were encamped near Rome as an army of reserve.

It was not the numbers of her foes that made this war so alarming to Rome, for in the war with the Gauls far more numerous hosts had been assembled at Sentium, but it was Pyrrhus himself and his tactics. The military systems of the Macedonians and the Romans had both now arrived at their highest perfection, and here they met each other: the former directed by the greatest master in the art of war, the latter only once under a commander of decided distinction. Here then we may examine and compare the two systems; nor will this be a superfluous task, as the sketch of them in Polybius is not taken from the same point of view which we shall occupy.

CHAP. LXVII.

THE ROMAN AND MACEDONIAN TACTICS.

THERE are only two kinds of military tactics, between which many shades of difference exist; namely, those which depend upon the individual combatant, and those which are founded upon masses; as in the former the mass with its dead weight is of no importance, in the latter the individual soldier is lost in insignificance. The heroes of Homer and the bands of the Cimbrians held together by chains, are extreme examples on either side.

The tactics of barbarians commence with masses,

and the Romans, in the infancy of their art of war, had no other system, as may be inferred from the well-known passage in Livy, and from the equipment of the heavy-armed troops in the time of Servius Tullius. This was entirely of Greek fashion, and down to the time of Pisistratus, there can have been no difference between the regulations of the Romans and Greeks: but the former, at an early period, adopted alterations both in their mode of drawing up their troops, and in the equipment of them; the latter they are said to have borrowed from the Italicans, and in this case there is no possibility of ascertaining the character of it.

There could be no greater proof of self-confidence in a nation than their renouncing the aid and protection of the *mass* in order to cultivate and bring to perfection the power and faculties of the *individual*. The idea of this scarcely ever entered the minds of the Greeks: when Iphicrates formed his targetteers, a corps which never attained the perfection of which it was capable, it was an exception to the general rule, and moreover it took place at Athens: the Spartans, on the other hand, were content to employ at Leuctra the same tactics which had been crowned with glory at Thermopylæ. The Romans, however, having once commenced an alteration in their defensive armour, having at the same time substituted for the spear a far more formidable missile, as well as given to the sword an importance which that weapon had never before possessed, were not slow in introducing more extensive improvements. The names of the *hastati* and *principes* show that there was a time when the former still were equipped with pikes, whilst the latter carried the *pilum*: and as it is almost certain that the later form of the legion was already introduced in the middle of the fifth century, it seems almost beyond a doubt that Pyrrhus encountered the Roman armies arrayed exactly as Hannibal afterwards found them.

In the mean time the old tactics had been carried

forward in another direction to a very high state of improvement in Macedonia. Philip, by lengthening the *sarissa*, and deepening the files, had brought the tactics of the masses to the highest degree of perfection which they could possibly attain against enemies who were not sufficiently intelligent even to adopt his reform, much less to oppose to him any system of a superior nature. He required a numerous army, and one which at the same time could be armed and prepared to take the field at the shortest possible notice: and his system was such, that every recruit of sufficient muscular strength, on the first day of his joining his regiment, was fit for service if necessary: for he had in general nothing further to learn, than to march and to make certain mechanical motions, which were soon taught him by those who stood next to him, and to use the *sarissa*, in which there was little art: the sword or the Illyrian knife was only used in the *mêlée* of the combat. Besides, the phalanx had several companies of light infantry attached to it, which Philip formed partly of mountaineers, and equipped as Peltastæ: a far superior arm in war to the swarms of *ψίλοι*, which appear in the wars of the Greek republics.

A plan of the array of the phalanx has been preserved in Ælian and Arrian. It was drawn up sixteen deep, the rear ranks forming merely an inert mass, so much so that if an enemy attacked it in the rear, certain evolutions were required to bring the leaders of the files into the front; the weapon was the *sarissa*, which theoretically ought to have been sixteen ells long, but practically was fourteen, so that five spear-heads projected beyond each leader of a file. From the sixth rank backwards the men could only take a share in the fight by pressing steadily on, and their *sarissæ* were of no other use than to shelter the front ranks from missiles. The phalanx thus became a mere piece of mechanism, which was calculated to produce any feeling but that of heroism in the mind of the

individual soldier : and when armies so arrayed entered the field against each other, the event depended, upon mere numbers, if not determined by some accident. Not long after the death of Alexander, the Macedonian generals attached to the phalanx a corps of artillery ; but this practice was soon discontinued, and was not employed by Pyrrhus, for the phalanx was too unwieldy to defend the light catapultæ, which were employed to keep off the skirmishers.

In the legion the battalion of reserve had been discontinued, and in place of the motley body of light-armed troops a regular corps of missile-throwers was formed : two other battalions armed with *pila* and swords sustained the brunt of the engagement : a fourth, only half as strong as each of the former, was armed with lances as a reserve. The proportion of light-armed troops in the army of Pyrrhus cannot be determined ; but in a complete Roman legion there were 2,400 rank and file in action, 1,200 sharp-shooters, and 600 men in reserve. In the Macedonian system, on the other hand, there was no regular body of reserve : the light troops, however, were most probably superior to those of the Romans. Of the whole body of infantry, a considerably greater portion in the Macedonian system stood in the line ; but as the Roman soldier required twice the space for manœuvring in which the Macedonian did, the front of a consular army drawn up in line must have outflanked a phalanx of the regular number and array. For the Roman armies were drawn up originally ten deep, when a century consisted of thirty men, whereas the phalanx was sixteen deep ; and in the war against Pyrrhus, though the tribes were then thirty-three in number, the old rule was still observed.

It seems almost impossible to solve the problem how, in a system of tactics like that of the Romans, so great a depth should not have been regarded as useless, since it appears incompatible with their principle of deciding

the battle with the pilum and the sword. It is true that, if the troops were drawn up in the form of a *quincunx*, the second rank might discharge its *pila*, but how could the hindmost ranks succeed in doing this, as long as the front ranks remained erect, particularly as the rearmost rank stood at no less a distance than fifty-four feet from the front. Again, the front rank alone could use the sword, which was the main weapon of the Roman soldier. There is no passage in any of the writers of old which will furnish a solution of this question, and one is at a loss to comprehend why the Romans, who were generally so circumspect in suiting the means to the ends, did not adopt the modern array of three ranks deep, which would have enabled them to outflank the enemy with such advantage. The solution of this problem is involved in a peculiarity omitted by the historians, which however becomes evident to him who sets himself to the task of developing the full use of infantry so armed; from which it results, that another solution may have been overlooked.

The moral superiority of the leaders of the files compared with the rest of the foot-soldiers, on which the Grecian tactics so much depended, had no existence amongst the Romans; as each soldier was there qualified and required to occupy in his turn a station in the front ranks. When the foremost rank had discharged its *pila*, it most probably retired through the second rank, which advanced with a double-step forward, and so restored the front in its original line; a movement, which could be executed in a moment, from the nature of the *quincunx*. Thus one rank after another advanced to the front, until the moment arrived for drawing their swords: and if it should be requisite, the ranks which had already been in front could advance again with a fresh supply of *pila*.

The same alternation must have taken place after their swords had been drawn and the *pila* laid aside; and the combat must now, when the same tactics were

arrayed against each other, have been nothing more than a series of duels. It is true that when the phalanx closed with the legion, the legionary soldiers, if they had drawn their swords, could not relieve each other before the iron lances of the phalangites, but they might retreat and draw the phalanx on to an unfavourable position, when it could not act in consequence of the ground being broken: and the inefficiency of the phalanx in such a situation was, according to Polybius, its principal defect.

Pyrrhus was not blind to the advantages of the Roman system, but he was too wise to turn his veteran Epirots, excellent as they were in their peculiar line, into peevish and awkward recruits: but on the other hand he drew up his Italian auxiliaries in cohorts alternately with the phalangitic divisions, and so endeavoured to combine, as far as possible, the advantages of both systems. The Romans had no arm of their service to oppose to the Cretan archers, nor could they vie in their cavalry with the Thessalian horsemen of Pyrrhus. The Roman cavalry still suffered from the defects which Polybius alludes to, and which could only be remedied by adopting the Greek mode of equipment: their pikes and bucklers were of the most useless description, nor could they have protected their infantry against the cavalry of the enemy, much less against elephants.

CHAP. LXVIII.

THE WAR OF PYRRHUS.

THE moment that his troops were assembled, and the transports from Tarentum had arrived, Pyrrhus hastened to embark, although the stormy season was not quite past: no sooner, however, had his fleet

sailed out into the open sea, than a tempest from the north dispersed it, and many of his ships were either stranded or sunk. Pyrrhus arrived at Tarentum with but a small detachment, and in consequence found himself obliged to assent to the wishes of the Tarentines in every respect ; but when the main body of his army arrived, he proceeded to exercise a dictatorial power, which was as necessary for the success of the Greeks who had invited him thither, as for the safety and honour of his own army. The Tarentines, however, and the inhabitants of the Greek towns, refused to serve, as for the last hundred years military service had been regarded by them as the business of mercenaries ; but as in the phalanx every person could be useful who was able-bodied, Pyrrhus determined to compel them by force to fill up the gaps which the storm had made in his ranks. As long as the war could be settled by money, and their territory saved from hostile devastation, the Tarentines did not consider any price too dear ; but when the Epirot officers proceeded to levy among the able-bodied without exception, and the gates were kept closed to prevent the dastardly youth of the city from escaping into the country, then, indeed, the Tarentines began to express their dissatisfaction in loud and bitter complaints, which the rude licentiousness of the troops billeted upon them justly tended to aggravate. Tarentum had preserved the name at least of its *Syssitia* ; these clubs, and all other assemblies, were now strictly prohibited : the youths were compelled to practise military exercises instead of those of the gymnasium : and in order to prevent any conspiracy in his absence, Pyrrhus took care, under various pretences, to send over to Epirus the leading men of the city ; he however carefully abstained from open violence.

In the mean time the Romans had been occupied with discussing how they could possibly declare war with the ceremonies required by the *fecial law*. The

difficulty was solved in a manner worthy of their scruples. An Epirot deserter was induced to buy a piece of ground which was to pass for Epirus, and a javelin was discharged with due form into the enemy's territory. After this Lævinus advanced towards Lucania before Pyrrhus had entered the field, having detached a division of his army against the Lucanians to prevent them from joining Pyrrhus; whilst Æmilius Barbula, the consul of the preceding year, kept the Samnites in check. Lævinus felt himself sufficiently strong to send the eighth Campanian legion, under Decius Jubellius, to Rhegium, which at that time alone of the Italiot towns remained faithful to the Romans: it was of great importance, likewise, to prevent any junction between the Siceliots and Pyrrhus.

Pyrrhus was anxious to avoid an engagement until the contingents of his allies should be assembled, and made proposals to Lævinus to act as mediator between Rome and Tarentum. Lævinus, however, replied that words were now superfluous, and that the sword alone must decide the question. In accordance with this he ordered a spy, who had been taken prisoner, to be conducted through the Roman camp, and to carry an invitation to Pyrrhus to come himself and see it.

The commanders on both sides had the same object in view, and the armies encountered each other on the banks of the Siris, between Pandosia and Heraclea. The consul was anxious to force his opponent to an engagement, as otherwise he would have been obliged to decamp for want of provisions. Having caused his cavalry to pass the river higher up, he was enabled to cover the passage of his infantry. Pyrrhus having vainly attempted to decide the day by charges of cavalry, at length brought up the phalanx. He had taken the precaution to equip Megacles, one of his generals, in the costume which he himself ordinarily wore, and in consequence diverted from himself the assaults of his opponents; but the death of Megacles

had at one time nearly proved decisive, from the panic which ensued, till Pyrrhus showed himself to his troops. Seven times had the fortune of the day varied, nor was it till the elephants, an enemy which the Romans had never yet encountered, were brought up against the cavalry, that the Roman horsemen fled in terror, and drew away with them in their flight the legions ; nor would hardly any of the Roman army have escaped, unless a wounded elephant had turned his rage upon his own party, and so stopped the pursuit. The remains of the Roman army effected their retreat across the Siris under cover of the night, having abandoned their camp. Lævinus collected the scattered fugitives at Venusia, and formed a junction with the army from Samnium. The Lucanians and Samnites were now at liberty to join the conqueror.

On the following day the king visited the field of battle, and could not help admiring the Roman ranks which had fallen in an unequal combat against the sarissæ with their front to the enemy. “ With such soldiers,” he exclaimed, “ the world would be mine ; and it would be the Romans’ were I their general.” To the congratulations of his friends he replied, “ Another victory like this, and I shall have to return home alone to Epirus.” He proposed to the Roman prisoners that they should enter his service, the usual practice of the vanquished army in the Macedonian wars, but they refused to a man. Pyrrhus did not, however, keep them in fetters, nor did he wait for an embassy from the vanquished to beg permission to perform the last offices to the dead : he ordered the bodies of the Roman soldiers to be burnt and buried with his own men. Hieronymus, who had before him the memoirs of the king, and is therefore of the highest authority, states that the loss of the Romans amounted to 7,000, that of the victors to 4,000. A part of the spoils was given up to the allies, the rest was dedicated in the temple of Jupiter at Tarentum,

with an inscription that gave great offence to the Tarentines.

The consequences of this victory were remarkable. The Italians united their arms with the Epirots, as well as many of the subjects of Rome, amongst whom were the Apulians. The Locrians betrayed the Roman garrison, and a similar design was imputed to the inhabitants of Rhegium. The garrison of this latter place, in consequence, put the male population to the sword, and plundered the town exactly as they would have done had they taken it by assault; nor was it long before they formed a league with the Mamertines of Messina, and ceased to respect the sovereignty of Rome.

Pyrrhus had no taste for wars of long duration, and on the present occasion was anxious for a speedy and honourable termination of hostilities. He himself preferred to win over to his side an enemy by persuasion rather than by force, and had hopes that the diplomatic adroitness of his friend and minister Cineas would succeed where his arms might fail. Cineas, by birth a Thessalian, is said to have been a pupil of Demosthenes, and doubtless had imbibed somewhat from the lessons of that great man. His spirit and sentiments were worthy of his prototype, for though he was a Thessalian, and born in a degenerate age, he served by his own free-will a sovereign from whom he never concealed his most inmost feelings and thoughts, and was repaid by his royal friend with sympathy and gratitude. A great part of the most generous of the decrees which do honour to the memory of Pyrrhus are expressly attributed to Cineas; he was the good genius of the king, whose fortune failed him, at the time when Cineas most probably died, during his warfare in Sicily; after which time we hear only of unworthy confidants of that prince, whose star of glory was now waning.

Cineas was despatched to Rome with proposals of

peace, whilst Pyrrhus assembled the forces of his Italian allies. The tact of the ambassador was first displayed in his salutation of each of the most distinguished citizens by his name and title. The delay which ensued ere he was admitted to an audience with the senate is most assuredly to be attributed to the Romans, to whom every day was of importance, to enable Lævinus to recruit his legions, and to bring to a favourable termination his negotiations with Etruria. The terms proposed were such as a conqueror would dictate. "That the Romans should conclude a peace with him and the Tarentines, and that the independence and liberty of all the Greeks in Italy should be conceded; that the Samnites, Lucanians, Bruttians, and Apulians, should have restored to them all that the Romans had taken from them." The Salentines were not mentioned, as they acknowledged the *hegemonia* of Tarentum. The prisoners were to be surrendered by either party, without ransom, on the conclusion of peace.

It may not be out of place to state briefly the arguments which might have been alleged in support of such propositions. "Pyrrhus," Cineas may have said, "had gone to war with the Romans without being their enemy. He was an Epirot, and therefore willing to undergo dangers for his friends: he was an Æacides, and therefore felt called upon to enter the lists against the descendants of the Trojans. Yet even in his veins there was Trojan blood; nor would any thing but the supplications of the Greeks in Italy, to which no Greek could turn a deaf ear, have induced him to cross over thither. He had obeyed their call, and was now enabled to become the friend of the Romans, having satisfied the claims of his allies. With this object he had abstained from following up his victory, that the Romans might be convinced of the motives which actuated him. For himself he asked nothing: he would quit Italy imme-

diately, provided that he could do so with his reputation untarnished. He would welcome the friendship of the Romans, but they must be aware, after his success, that peace was impossible unless the Tarentines were included in it; and his honour required that the independence of the Italicans should be secured to them. With respect to the restoration of their lost territory to the Italicans, he had been anxious to mitigate this condition, but he had promised, when invited, to accomplish this, and he could not swerve from his promise. It was idle for the Romans to struggle against adverse fortune, and he might soon be unable to offer any longer conditions so favourable as the present; and if he was forced by their obstinacy to receive more cities into alliance with him, he would daily have more claims to bring forward. Ere a single moon had elapsed, the king might be master of all without the walls of Rome, except a few colonies, the taking of which might be deferred without fear. Etruria, which had called in the most formidable barbarians, was not likely to overlook so favourable an opportunity of rising in arms. The hostages which the Romans held were now rendered nugatory as such, by the prisoners in the hands of Pyrrhus. Eight hundred knights were in his power, and the favourable treatment they received was owing to his generosity, and to his belief that peace was possible. Any other enemy than himself would only make peace on condition of retaining such a pledge; Pyrrhus, on the contrary, would rejoice when the day arrived on which he could restore them to their country without a ransom."

After Cineas had retired from the senate house, and the senate had commenced its deliberations, day after day elapsed without any decision being arrived at for few of the senators anticipated a different result from that which Cineas forboded, yet they were unwilling to step down from the pinnacle on which their country had hitherto rested. The senate at last were

about to grant Pyrrhus all that fortune could have bestowed upon him, when Appius Claudius, who, being blind and lame, had not been present at the previous deliberations, directed himself to be carried in a litter to the senate house, and once more occupied his long vacant seat. Having apostrophized the gods of his native country, and bewailed the heavy affliction which deprived him of the pleasure of regarding the features of his friends, and contemplating the glories of his country, he thanked them that they had disabled him from seeing the envoy of a king who had conquered his countrymen, within the walls, in the very forum of the city: that they had spared him the misery of beholding the Greek king and the Tarentines offering up, in common with his fellow-citizens, thanks and sacrifices to the gods for the happy termination of the war. "Would that they had closed up his ears, that he had been spared the pain of hearing his countrymen talk of peace, when it was really submission. Such indeed are the results of the senate having been polluted with unworthy citizens. When the curule chair was occupied by patricians alone, such pusillanimity was unknown. And shall not Tarentum atone for her crimes: shall we be laughed to scorn by her with impunity? Shall the Greek towns be released from our dominion because the honour of Pyrrhus requires it? Where will the Italian allies of Pyrrhus limit their claims: which of your colonies will you not have to give up, and what colonist will be secure against one of two alternatives, beggary, or subjection to the reinstated proprietors? Can you seriously believe that by concessions you will preserve the remainder, which otherwise would be lost in universal ruin? Think you that even Cineas would say, that the Samnites will be satisfied with the recovery of their former frontier: that they will not extend their views to an indemnification for past losses: that they will not lend a hand to each of your subjects who wishes to cast off your yoke? But Cineas will say that his

sovereign, as mediator, will not allow this. What a humiliating declaration, that we should have to live under the protection of a king on the other side of the sea, like an Etrurian town under your guarantee ! But what reliance can be placed on his interference ? That restless monarch will be called away further and further from us, and his mediation will not be listened to by those who know that he will not venture over a second time into Italy. Why should he trouble himself to save us ? When Rome falls, the barrier in Italy against the wandering Gallic tribes is overthrown, and Pyrrhus has no more ardent wish than to see them diverted from the East and overrunning Italy.

“ Besides, by such a peace as this we give up in a single day the fruits of forty-five years of war, and we shall be in a more unfavourable position than we were before that time. Then indeed the Hernicans, the *Æquians*, and the *Sabines*, were our steadfast allies : but now they resent the yoke we have imposed upon them, and will turn against us, as soon as the *Italicans* have raised themselves upon our ruins. How long will *Capua* continue to trust in the fading star of our fortune ? If, on the other hand, you persevere in your resistance, all those will range themselves on your side whose interest it is that you, rather than the *Samnites* or *Pyrrhus* himself, should predominate. The *Latins* of the colonies, the free *Sabellians*, and many of the subject towns, will then remain faithful to you, and the *Carthaginians* themselves will co-operate with you, to crush the foreign power in Italy ere it reaches *Sicily*. But if you yield, they will look only to their own interests.

“ We have had to encounter an enemy against whose tactics and monsters our soldiers were unprepared. Even if this new power had not been directed by a great warrior, we should probably have succumbed, as we did at first to the *Gauls*. But it is the peculiar talent of our countrymen to appropriate

to themselves whatever can be learnt from strangers, and if it be requisite we can soon imitate the accomplishments of the enemy. We are in no want of men capable of bearing arms. Let but the war be protracted and the enemy will be exhausted: besides, the boy whom Pyrrhus has left behind to administer his kingdom for him, will not be able to defend it against the Gauls, who have reached its frontier, unless they are diverted to richer countries: nor will his subjects, who are not his slaves, whose ancestors expelled his father for idly lavishing their blood, willingly send him their sons over the sea, whilst innumerable hosts of barbarians already menace their half-peopled territory.

“Cineas, indeed, threatens us with the death of the prisoners in the hands of Pyrrhus. Be it so; prisoners whose ransom is not stipulated for, are to be regarded as already dead; but the Senones atoned for their violence to their prisoners by their own extirpation, and Pyrrhus will certainly hesitate before he does violence to those in his power. We have Italian and Tarentine prisoners in our hands as a pledge, and Pyrrhus, who must recruit his army amongst their countrymen, will pause ere he exposes them to your vengeance.

“Every man is the artificer of his own destiny: and ye are now standing at the point where two roads branch off, one leading to ruin, the other to the fulfilment of all those hopes which the arrival of Pyrrhus has caused to be deferred. Our own ruin can only be effected by ourselves. I do not indeed pretend to the spirit of prophecy, but this at least I can foresee, that the measures which you are inclined to adopt will be our ruin. If you will listen to my advice, you will reply to Cineas, that we likewise shall welcome the friendship of the king when he has withdrawn from Italy, but that as long as he remains on this coast of the Upper Sea, we will listen to no proposals from him. Let his seductive envoy quit our city before to-morrow's sunrise. Let

us continue our preparations, and if possible raise even stronger armies. Let us grant, of our own accord, to the Etruscans such terms as may carry with them the appearance of an alliance on equal reciprocity, and ensure us a continuance of peace with them. They are strangers to the Italicans, hostile to the Greeks, and connected with us by religion and ancient ties. Finally, let our subjects feel, that we are kind to the obedient, but implacable to the perverse."

The advice of the aged senator, who looked as if he had just returned from the shades below, prevailed, and Cineas was ordered to quit the city. He went away indeed astonished with what he had seen. "The city," he declared, "was a temple, the senate an assembly of kings." It is true that Rome, in point of splendour, could not vie with Athens, such as Cineas had beheld the latter city before the war of Lachares; but the vaulted reservoirs, the banks of the river, the walls, and the high roads, might compete with the most magnificent of the works of Themistocles and Pericles: whilst the splendid bronze-works of Tuscan art, with the still more numerous trophies that adorned the temples and colonnades, gave the city the appearance of a great sanctuary. In Athens, indeed, the public assembly alone attracted notice, whilst in general no Greek senate inspired respect: but at Rome, where the dignity of the senator entitled him to the purple, the senate wore the appearance of an assembly of kings.

In the mean time two legions of volunteers had been enrolled at Rome for the army of Lævinus, and the city itself was placed in a state of defence, probably under the superintendence of Rufinus as dictator, who remained in the capital, whilst the consuls retained the command of the legions in the field. Lævinus, with the remains of his army, marched through Samnium towards Capua, and united his forces in Campania with the new legions, and was thus enabled to frustrate the designs of Pyrrhus against Capua, who had

pressed forward thus far, having received reinforcements from his Italian allies. Nor was he more successful in an attempt upon Neapolis: the Campanian plain, however, and the Falernian district, where so many Roman citizens were settled, were ravaged by him without resistance. Lævinus, opposed to an enemy far superior in strength, was obliged to content himself with harassing their rear, and retarding their advance with his skirmishers. Unfortunately few of the events of this interesting period are preserved to us, nor is it known what towns beyond the Liris opened their gates to Pyrrhus.

Two roads led from Campania to Rome. The Appian, which was not yet carried through the marshes in a straight line, but was conducted along the foot of the mountains, might easily be defended at the passage of the Liris, at Formiæ, Fundi, Lautulæ, and Terracina successively. The towns at the foot of the mountains were either municipia or old established colonies, whose allegiance was undoubted: Velitræ and Aricia were well fortified, and near the former place there was an exceedingly strong position. Pyrrhus, consequently, perceived that the resistance which he was likely to meet with on this road would defeat his object, which was to reach Etruria as quickly as possible: he therefore chose the Latin road; took Fregellæ by storm, and advanced through the territory of the Hernicans. He was here received with welcome arms by a population which was still fretting over the destruction of its ancient privileges twenty-five years ago, and still indignant at its humiliation. The smaller towns between Fregellæ and Anagnia offered no resistance to him. Anagnia opened its gates, and his victorious standards were already planted on the hitherto impregnable citadel of Prænestes.

His outposts were now pushed forward five miles in advance on the road towards Rome. Here, how-

ever, he received a check. Peace had at last been concluded with the Etruscans, and the consul Coruncanius had returned to Rome with his troops, whilst Lævinus had continued his pursuit, and embarrassed the communications of the hostile army. The latter now found itself in a very difficult position. The peace just concluded between Rome and Etruria had put an end to the hopes which Pyrrhus once entertained of forcing Rome to accept conditions of peace under her own walls. It seemed as hopeless to attempt to compel the city to terms by a blockade—especially as Pyrrhus and his allies had neither a fleet nor a harbour on the coast, whilst Rome, on the other hand, might count upon the assistance of Carthage and of Massilia—as it would have been rash in the extreme to try to storm it. It might have been expected that Pyrrhus would have turned his forces against the neighbouring towns, and thereby endeavoured to compel the Romans to try the issue of a general engagement; but his ordinary impatience here prevailed, though certainly his position may have been ambiguous, and he determined to retire.

If Coruncanius pursued the retiring enemy, and sought to revenge himself for the ravages committed by them, the Appian road was evidently the line of march for him, as he would be able to make a flank movement upon the chord of the Latin road, through a country highly favourable for assaults upon a retreating army encumbered with baggage. Pyrrhus had sent onward his elephants, as he was anxious not to expose them in such a country. He found Lævinus awaiting him in Campania, with every demonstration of an intention to force him to an engagement. Pyrrhus made a show of arraying his troops, and of giving the signal for battle; but as neither party were really anxious to engage, he was allowed to withdraw from the field undisturbed, and to retire into winter quarters at Tarentum. Here his soldiers luxuriated

on the spoil of their campaign; whilst the troops of Lævinus, to atone for their defeat on the Siris, were ordered by the republic to pass the winter under tents in Samnium, and to maintain themselves by the plunder of the enemy.

Every prospect of a speedy termination of the war had now vanished, and envoys were despatched from Rome to negotiate for the release of the captives, many of whom had been taken prisoners in the towns which Pyrrhus had conquered. The envoys were C. Fabricius, Q. Æmilius Papus, and P. Dolabella, three of the greatest men of their day, and Pyrrhus sent an escort of cavalry to meet them at the Tarentine frontier. He himself received them in person, surrounded by his generals, at the gates of Tarentum. His desire to terminate the war, as the friend of the Romans, was much increased by the result of the last campaign, which made him almost inclined to make peace upon any terms consistent with honour.

The business of the envoys was to negotiate an exchange of prisoners. This, however, Pyrrhus would not listen to, but with a wise calculation as to the mode of influencing a republican people, as well as with the object of showing his respect for the Roman character, he gave permission to all his prisoners to return with the envoys to Rome in order to solemnize the Saturnalia. If, indeed, the senate should accept his conditions, the prisoners were to consider themselves free; but if by a certain day the senate should persist in rejecting them, then indeed they were bound by a promise to return. The conduct which he here expected on the part of thousands, would in Greece have only been believed possible in a Spartan.

On their arrival at Rome the captives, supported by their numerous relatives, employed all possible means to promote peace, but in vain; and they beheld themselves compelled to return, as the senate ordained the penalty of death against any one who should break his

word: not one individual is said to have remained behind.

This embassy is celebrated in history above all others from the conversation between Pyrrhus and Fabricius. The difference of character in these noble men, who, belonging to entirely distinct nations, bore no resemblance to each other in point of education, religion, morals, and accomplishments, is worthy of serious consideration. But as the historical authenticity of discourses, at which no witnesses were present, cannot be depended upon, the examination of them here may be dispensed with.

Pyrrhus now determined to adopt a different plan of operations, and to sap the Roman power by gradual conquests. He commenced his campaign in the next year, 467 (473), with the siege of the fortified places in Apulia, being anxious to clear the country of the Romans as far as the Vulturnus. The most important of these fortresses was Venusia, and Pyrrhus was most probably employed in the siege of it, when the consuls P. Sulpicius and P. Decius advanced with their united armies to Asculum, which was at no great distance from Venusia. Here Pyrrhus prepared to engage with them, though his Italian troops were much dismayed by a report that Decius, after the example of his ancestors, had resolved to devote himself and the enemies of his country to destruction. Pyrrhus himself, who wavered between an inward misgiving of the existence of mysterious powers, and the opposite principles of the Epicurean school, could not contemplate such a trial of witchcraft without some uneasiness. He therefore issued a proclamation, that if any one should appear on the field in the dress worn on such occasions by the devoted, of which a description was furnished to the soldiers, that no one should harm him, but that all should endeavour to take him alive: at the same time he sent notice to the consul, that should he after this warning fall into his hands, he would not treat him

as an honest enemy, but as a juggler who dealt in diabolical arts.

Asculum was near the foot of the mountains, and the ground was therefore unfavourable for the phalanx. The Romans in consequence gained some advantages at first, but Pyrrhus manœuvred and forced them to move into the open fields. It was his intention to decide the battle as at the Siris, and to attack the flanks of the legions with his elephants, supported by his light troops. On the other hand, the Romans made incredible exertions to accomplish what was impossible, namely, to overcome the phalanx in front. In vain they threw themselves upon the sarissæ of the phalangites: and where Pyrrhus himself commanded, the fruitless attempt ended in defeat. The elephants had meanwhile broken in upon the Roman ranks and terrified the cavalry. But the field of battle was, fortunately, not far from the Roman camp, and this circumstance saved the Romans from a total defeat. Their loss amounted to 6,000 men, whilst of the troops of Pyrrhus 3,505 were left upon the field. The story that Pyrrhus had been compelled, by a wound, to retire from the combat, and that the Romans owed their safety to this circumstance, does not rest upon any good authority. How little the Roman annals can be trusted in reference to this engagement, may be inferred from this, that subsequently a story became current, which even Cicero himself believed, that Decius had devoted himself in this engagement to the infernal gods.

This victory was unattended with any result of importance, and Pyrrhus did not attempt to storm the Roman camp, but went back to Tarentum. He saw that the flower of his troops had perished upon the field of battle, and his only reply to those who congratulated him was, "another victory like this, and I am lost." The want of discipline in the troops of his allies and their sinister intentions, evinced by their ransacking his camp in the midst of the last engage-

ment, showed him clearly that he could repose no confidence in them. Two different events, however, seemed to render unavoidable his retreat, and the inactivity in which the remainder of the year passed away. Rome and Carthage, between which places hitherto only relations had existed in virtue of a treaty, now concluded a close alliance for mutual defence. They engaged that neither should conclude a treaty of friendship with Pyrrhus without the concurrence of the other, in order that if he attacked either of them, the other might retain the right of sending assistance. Each state was to pay the troops which it sent to the succour of the other: the Carthaginians were to furnish transports on all occasions, and vessels of war, if they should be necessary, but their admirals were to have full discretion as to the propriety of making descents upon the coast. The Carthaginians immediately, by virtue of this treaty despatched a fleet under Mago to Ostia, but the senate declined to avail themselves of it. The Carthaginian admiral then opened negotiations of peace with Pyrrhus, but to no purpose; for the king, as was well known, had already turned his thoughts towards Sicily. Besides, during the course of this year the Gauls had burst in upon Macedonia, and had inflicted a terrible defeat upon Ptolemy, who perished in battle. The Molossians too were distracted by internal commotions, and alarmed by the neighbourhood of the barbarians, so that Pyrrhus could expect no reinforcements from Greece. The war, however, pressed as heavily upon the Romans, and the difficulty of raising contributions must have been much increased, as so much both of the public and private land was in the power of the enemy. It was at this time probably that an oracle from the temple of Juno Moneta revived their drooping courage, which declared, "that money would not fail as long as the people exercised arms and justice."

Both parties were thus fully sensible of the inconve-

nience of continuing the war, and Pyrrhus became daily more impatient to set out for Sicily, where hope whispered to him that he would be compensated for all his disappointments in Italy. The occurrence which furnished him with an occasion for breaking off the war happened so opportunely that it is difficult to regard it as any thing else but the result of a preconcerted scheme.

The well-known story is here alluded to of the traitor who made an offer to the consuls C. Fabricius and Q. Pappus in 468 (474) to poison Pyrrhus and whose designs were honestly revealed to him. Whether indeed the nucleus around which this story has been formed, was really a fact, or merely the rumour of a fact, it would be difficult to decide, amidst the variety of contradictions which occur in the different versions of it. Such a rumour, however, undoubtedly became general, and afforded both parties a pretext for resuming the negotiations which had been broken off, and for concluding an armistice.

The senate had decreed that no embassy should be received from Pyrrhus as long as he remained in Italy: but such an embassy as that in which Cineas brought back all the prisoners clothed and with presents, and offered the thanks of his sovereign for the preservation of his life, could not come under the operation of the decree. What had been denied to the Roman envoys a year and a half before, was now freely granted, and an exchange of prisoners was agreed upon. Cineas was commissioned to obtain peace if possible on terms which would be tolerable to the allies of Pyrrhus and honourable to himself. The senate however remained firm, and the rich presents were sent back to the king, but there is adequate testimony in Appian that an armistice was concluded, under the assurance of which Pyrrhus passed over into Sicily: as to peace, it was again refused until he should have evacuated Italy.

This, however, did not suit his views, as he left

garrisons in Tarentum and other Italiot towns under the command of Milo, whilst Alexander his second son was established at Locri as governor. When the Tarentines requested him to withdraw his garrison from their city, as the Epirot troops no longer served them in the field, Pyrrhus replied that they must accommodate themselves to their situation: "that his success in Sicily would be for the advantage of the common cause: he could draw no reinforcements from Greece or Epirus whilst the Gauls menaced those countries with their inroads, and Sicily, if once cleared of the Carthaginians, would be able to furnish ample supplies of money and men for the assistance of the Italiots: he himself had fulfilled his obligations strictly: his first victory had been gained without the aid of a single Italian cohort: and the second was due to the sole exertions of his own soldiers, whereas the fruits of it were lost by *their* want of discipline. *They*, indeed, had failed to fulfil *their* promises: yet he would withdraw none of his garrisons, as they were of important service in a defensive war, whereas, if he were to remain in Italy, he could not commence offensive operations with his present reduced forces, or carry the war out of their territory, in consequence of *their* weakness or *their* lukewarmness."

Two years and four months had elapsed since his first landing at Tarentum, when he embarked his elephants, with 8,000 infantry, on board sixty Syracusan galleys. It is not known what number of cavalry he carried over with him. His career in Sicily does not belong to this history: it will be sufficient, therefore, to state that he remained in Sicily three years, and, with the exception of the impregnable Lilybæum, made himself master of the whole island; and would have established and maintained a kingdom there, and concluded an alliance with Carthage, had he not listened to the evil advice of Sicilian counsellors, who would be satisfied with nothing short of the complete

evacuation of the island by the Carthaginians. That a deep distrust already existed between Rome and Carthage, which rendered the treaty not long since concluded between those powers nugatory, may be inferred from the circumstance that Roman auxiliaries were neither demanded nor sent for the defence of the Carthaginian province, whilst Carthage levied soldiers at her own expense in Italy. The failure of success at Lilybæum, and the dissension between the king and the Siceliots, which led the latter to mad perfidy and the former to cruelty, brought ruin upon his arms. He resigned the kingdom as unworthy of further exertion, and abandoned it like a shipwrecked vessel, appropriating to himself all that could be carried off. The booty was so considerable that he would have been able to recommence hostilities against Rome with resources fully equal to those he had possessed five years before ; but his evil star was now in the ascendant, and the greatest portion of that booty never reached Italy.

No notice, unfortunately, has been preserved to us of the method which Rome adopted to bring back her revolted subjects under her dominion, whether by violence or wise lenity. The loss is less important of the history of the campaigns against the confederate Italians after Pyrrhus had abandoned them. These were nothing more than the struggles of inflexible obstinacy against an overpowering force, which daily gained ground against them. The expedition however of Fabricius against the Lucanians, Bruttians, Tarentines, and Sallentines, was attended with such success that it was thought deserving of a triumph. Heraclea, which came over to the side of the Romans, obtained most favourable conditions, proportionately to the importance of the place, as well as to the opportuneness of its adhesion.

The campaign of the following year, 469 (475), was opened by the consuls P. Rufinus and C. Junius Bulbus with a joint expedition into Samnium. The

open country was soon laid waste by them; but the Samnites retired with their families and goods into their forests and almost inaccessible mountains, where the Roman troops could not act against them, and thus prolonged their existence. Junius remained in their country, but Rufinus led his army into Lucania and Bruttii.

Croton, whose walls were twelve miles in circumference, was but the shadow of its former self, such as it had existed little more than two centuries before, when it led 100,000 men into the field, and destroyed Sybaris. The day near the Sagra was the Leuctra of the Crotoniats: civil discord and tyranny had since brought them down to that state in which the Lucanians succeeded in depriving them of their dominion. The elder Dionysius took their city by storm, from which calamity it never recovered, obliged as it was continually to struggle for its existence against the increasing power of the Sabellians. Scarcely fifteen years before the appearance of Pyrrhus in Italy, Agathocles had taken Croton by escalade, and at present its population was so reduced that it was no longer adequate to man the walls. The party hostile to the Roman interests saw no means of safety except in the admission of a Lucanian garrison, and Rufinus, on his arrival before the city, first learned the presence of these auxiliaries by a sally which they made from the town, and in which his troops were repulsed. The Roman general saw himself for some time unable to effect any thing, but at last, by a stratagem, he induced the Lucanian commander to lead out his troops to the defence of Locri, and having returned by forced marches, he succeeded in occupying the city ere Nicomachus could return to its succour. Those of the Crotonists who escaped death or slavery at this moment were visited not long after with another calamity, for the rebels of Rhegium set fire to Croton, and massacred the Roman garrison. A few survivors,

however, still lingered on amidst the rubbish of the suburbs in the open space around the town, which had now passed into the hands of strangers, till even this shadow of the Crotoniat nation totally disappeared within seventy years. Locri now passed over to the Romans, having massacred the garrison which the enemy had left there.

The Romans celebrated a triumph in the following year, 470 (476), over the Samnites, Lucanians, and Bruttians: and Pyrrhus was urgently implored by these nations to hasten to their assistance. He had thus a fair excuse for deserting Sicily, but his return was by no means easy to be effected. The Mamertines were hostile to him, and he saw himself obliged to embark at Catana or Taurominium; whilst neither the harbour of Rhegium nor Locri was open to him, and a Carthaginian fleet was cruising in the straits of Messina to intercept him. Pyrrhus sailed out with 110 galleys, manned with more than the usual complement of hands, which was one principal cause of the exasperation of the Sicilians against him, for they knew that he intended to sacrifice them in order to protect the numerous transports which were destined to carry over the plunder of their country, as well as that, if they reached Tarentum, they would not be allowed to return. The Carthaginians had consequently an easy victory; seventy vessels were sunk by them, and only twelve escaped undamaged to the coast between Locri and Rhegium. Pyrrhus here encountered the Mamertines and defeated them. The terror of his name laid open the country to him, and Locri saw itself obliged to submit again to his arms.

We can only explain the embarrassment in which Pyrrhus found himself to discharge the arrears of pay due to his troops, either by the supposition that his military chest was sunk on board the fleet, or that money formed but an inconsiderable portion of the booty from Sicily. As he could not obtain any con-

tributions from his allies, he followed the advice of some Epicureans, and took possession of the sacred treasures in the temple of Proserpine at Locri. When the vessels loaded with this plunder were on their voyage to Tarentum a storm assailed them, and drove them back into the harbour or on the strand at Locri. This occurrence was regarded by some with superstitious awe, but it seems unnatural that a mind constituted like that of Pyrrhus should have been so affected by it as to restore the treasures to the temple. The circumstance, however, which gives historical importance to the fact is, that Pyrrhus ordered the unfortunate advisers of the measure to be executed. A man who hoped to expiate a crime in such a manner, was evidently wandering and disturbed in his mind.

He is said to have brought with him to Tarentum a force amounting to 20,000 infantry and 3,000 cavalry; in number equal to that with which he first appeared there, but in spirit and discipline far inferior to his veteran Epirots. These, indeed, were no more, and their places were filled up with vagabond Greeks and peasants, upon whose fidelity little dependence could be placed. The return, however, of Pyrrhus excited no less consternation at Rome than his first arrival; and unfavourable omens about the same time seemed to foretell the downfall of their dominion. The consul Manius Curius proceeded to raise an army, but found a general reluctance on the part of the citizens to enrol themselves, nor was it till they found by experience that the tribunes would not protect them, that they obeyed the summons of their country. Two consular armies now took the field, 471 (477): Curius advanced into Samnium, and Lentulus into Lucania. Pyrrhus prepared to encounter the former, and marched against him in conjunction with his Tarentine auxiliaries. A small body of Samnites united themselves to him, but their main strength was in

Lucania, where they were directed to prevent a junction between the consular armies. Curius had meanwhile intrenched himself in a strong position on the hills near Beneventum, and endeavoured to avoid an engagement till his colleague should have joined him; besides, the auspices were unfavourable. Pyrrhus therefore determined to surprise the Roman camp under the cover of night, however he was terrified by a dream, and would have given up his design had not the earnest remonstrances of his generals deterred him. The time and distance, however, had not been correctly calculated, and a detachment, which had been sent round to occupy the summits of the hills and storm the Roman camp in the rear, did not begin its descent till the day had broke: yet even then their appearance was unexpected. Curius, seeing that a battle was now unavoidable, advanced to meet them, and as they were fatigued and still disordered by their night march, repulsed them with little difficulty. This success inspired him with sufficient courage to lead out his forces into the open field against the main army the king. In the engagement which ensued, one of the Roman wings was victorious, but the other was driven back to its entrenchments by the phalanx and the elephants. Here, however, they rallied: a shower of fire-darts from the camp was at this moment discharged against the elephants, and terrified them so much that they took flight, and turned their fury against their own troops. The result was a total defeat on the part of Pyrrhus: his camp was taken; two elephants were killed and eight captured, four of which formed the most distinguished ornament of the consul's subsequent triumph. Pyrrhus himself escaped with difficulty, attended by a few horsemen, to Tarentum.

The Roman armies had been equally successful in Lucania, and were expected to appear soon before the walls of Tarentum; and if by any chance a Carthaginian

fleet should arrive in those seas, the return of the king to Epirus seemed likely to be endangered. He, in the meanwhile, endeavoured to prevail upon the sovereigns of Macedonia and Syria to send him succours against an enemy, who, if successful, was likely not to confine himself to the continent of Italy ; but in vain. He saw himself obliged in consequence to resign his hopes in Italy, he took care, however, to spread a rumour that the fleet assembled at Tarentum was destined to bring reinforcements from Macedonia. To keep up this idea he left Milo behind in command of a garrison at Tarentum : and this rumour might have induced the Romans to give up their designs against Tarentum as hopeless, and to return with their victorious troops to Rome to celebrate a triumph.

Pyrrhus brought back to Epirus not more than 8,000 infantry and 500 cavalry, and soon plunged into new wars, partly from his passion for excitement, partly to procure the means of paying these troops ; for it was more difficult in these times to support a small than a numerous army. His star once more seemed to be gaining the ascendant, when, throwing himself from one thoughtless enterprise to another, he perished at last at Argos : these events, however, do not belong to this history.

CHAP. LXIX.

SUBJUGATION OF ITALY, AND POLITICAL RIGHTS OF THE ITALIAN ALLIES.

IF we except the fate of Tarentum, the three ensuing campaigns, till the war was terminated, were distinguished by no event above the common importance of ordinary military operations. Rome seems to have employed this period in recovering herself after the unprecedented exertions of the nine preceding years, otherwise the two first years would have been distin-

guished by more than a solitary triumph over the Tarentines and Samnites. For the sake of her own repose Rome permitted the Lucanians and Bruttians to take breath.

Tarentum was already expiating her past offence. Milo, with more than the ordinary tyranny displayed by the commanders of garrisons, exercised his power in the most revolting way. A conspiracy was formed against him by a party amongst the citizens, but it failed of success; the conspirators, however, made themselves masters of a castle, and concluded a peace with the Romans, in which the Sallentines appear to have joined.

After two years' repose, the Romans began once more to be impatient to bring the war to a close, for it was not impossible that Pyrrhus might return, as master of Macedonia and Greece. L. Papirius Cursor and Sp. Carvilius were now elected consuls 474 (480), as their former success in their common consulate inspired confidence that they would bring at last the wars with the Samnites to a final termination. Sixty-eight years had now elapsed since hostilities with that people had first commenced. The two consuls well fulfilled their mission: they compelled the Samnites, Lucanians, and Bruttians to do homage to the majesty of Rome: probably the death of Pyrrhus had extinguished all hope from that quarter, but the victory was not achieved without a memorable struggle. It would have been of some importance to us to know the terms on which the Samnites at last submitted: they most probably surrendered themselves, for hostages were sent to Rome, and the liberty they continued to enjoy was the free gift of the Roman people. The Bruttians are said to have ceded half of the woods in the mountainous district called Sila, which was valuable both for the quality of its timber, and its establishments for the manufacture of tar.

There can be no doubt that, if Livy's second Decade

had been preserved, the phrase of *allies and Latin nation* would occur as frequently as we meet with it after the commencement of the war of Hannibal. These did not exist before the dissolution of the ancient Latin league, and they only began to assume a consistency towards the end of the last forty years, of which the history is narrated in the first Decade. According to the peculiar custom in old Latin, of leaving out the conjunctive particle, the phrase was *socii nomen Latinum*, which has been interpreted, the *allies of the Latin nation*, by the same mistake to which the version is owing of the *Roman people of the Quirites*. The *Latin nation* was totally distinct from the *allies*, as it had been called into existence, with the exception of a few towns, by the mere will of Rome herself, and could not, consequently, have an alliance with the Roman people. Another question is, whether the denomination comprised all the nations from the Macra to the straits of Messina, or only the Sabellians and the nations of southern Italy, in which latter case the Etruscans and Umbrians must be regarded as forming a distinct nation and enjoying distinct rights. The latter opinion seems to be most correct, for the Etruscans and Umbrians considered the cause of the Italians as distinct from their own.

However widely the term “allies” may be construed, it is evident that there was a difference between the *confederated* (*foederati*) and the *free* (*liberi*) amongst them, just as in the case of the provinces likewise. The Marsians and Pelignians were *confederated*, and their rights were guaranteed by mutual oaths: the Hernican cities were *free*, having recovered their independence after their submission: their rights had been ceded to them without a treaty, but this class belonged no less to the *socii* than the former.

That class of towns which, according to Cicero, was in Sicily very limited in number, the domains of which, having been taken by the sword, had been annexed to

the landed property of the state, was very numerous in Italy, especially in Samnium. A certain number were selected out of this class as suitable for the establishment of colonies, the rest seem to have been neglected and to have gone to ruin. The inhabitants of such places were without a commonwealth, without liberty: they neither belonged to the people from which they had been conquered, nor on the other hand to the allies. The existence therefore of districts of considerable extent which paid a tenth is not at variance with the old agrarian principle, that Italic soil was exempt from taxation, and which is known to have been extended so far, that towns whose land-tax was remitted them, were said to be invested with the *Jus Italicum*. No estate in an Italian community was liable to be taxed in the case of property, as was the general rule in the provinces. The latter were obliged to raise recruits and to tax themselves to pay them; a practice quite at variance with the fundamental principles of the Romans. The Italicans, however, and the Latins were alone allowed to serve in the line: foreigners were essentially excluded from it. The Greeks were considered so completely aliens that they were occasionally offered up in sacrifice with Gauls, although they inhabited cities on the soil of Italy. It is, therefore, no contradiction to say, that liberty was granted to Tarentum, and a tribute imposed upon it. The Neapolitans, although confederates, and of tried fidelity, knew that their services would not be employed against the enemy, when in the war of Hannibal they offered to the Romans the treasures of their temples. It is however probable, that as Rome employed the triremes of the Greek maritime towns, before she had a fleet of her own, so the mariners for the Roman fleets may have been principally raised from amongst them.

The relations upon which those who were allied by treaty stood towards Rome, varied according to the circumstances under which the treaties had been ori-

ginally concluded. The great division, however, was that the alliance was concluded by both parties on equal terms, or that the inferior people did homage to the majesty of Rome. It is by no means inconceivable that Rome still maintained relations of equality with some places, which however must then not be regarded as dependent upon her; and as they gradually disappeared, we need not trouble ourselves about this anomaly.

It seems by no means improbable that the Italicans were allowed to retain the semblance of diets, although they were abolished amongst the Latins, and in accordance with the same principle, subsequently prohibited in Greece. But we find, even after the war against Hannibal, that the Pelignians had not ceased to consider themselves as a whole, and the mode in which the Marsians and other Italicans made their preparations for commencing the Social war, shows they were still accustomed to act as nations. The tie, however, which had united the different Samnite nations in one people, was certainly abolished.

The Romans in the arrangement of the provinces established an uniform constitution of an oligarchical character in the different towns. That this policy was adopted by them in many instances in Italy likewise, may be inferred from the circumstance that in the war against Hannibal the senates generally sided with the Romans, and the commons with the Carthaginians.

The Latins alone were entitled to vote in a tribe appointed by lot, an empty privilege without any substantial advantage. But the Latins, as well as the rest, had the right of taking up their residence in Rome, and of being enrolled in the register of the citizens, provided they had sons who might continue to share the burdens of their fellow-citizens. Although the simple registering of his name did not entitle an individual to the higher rights of citizens, yet it was in the power of the following censor to confer them. It was owing to his being entered in this register, that M. Perperna

was enabled to obtain the curule dignities, as it was overlooked that he had never received the full citizenship.

But there was another right of more importance which all the dependents and Latins enjoyed, namely, the privilege of *possessing* the common land of the Roman state equally with Roman citizens. These lands were fully secured to them in general, with one restriction, that the sovereign people might at any time withdraw a portion of the domain from the *possessors* and assign it as *property*. The Samnites were certainly admitted with the Quirites and Latins to participate in the settlement of *Latin colonies*. When assignments took place, all of these were entitled to a portion equally as the municipals, and it was by virtue of this right that the allies and Latins had an equal interest with the Roman possessors against the agrarian law of Tiberius Gracchus, which was only unjust towards them and not towards the latter. The execution of this law deprived the republic of the voluntary obedience of her subjects, and C. Gracchus was called upon to grant them the right of citizenship, even if it had not been a wise and necessary measure on other accounts. The aristocracy consequently would have been backed up by the subjects of Rome against the claims of the commons. A still greater number became interested in the preservation of the established order of things, if Lucanians possessed estates in Samnium, and Samnites in Lucania, the title of which was derived from the period of the conquest of the countries by the Romans; and even the nations which had been deprived of extensive districts would in some measure have been enabled to repair their losses, if they were allowed to cultivate a portion of them in return for a tax paid to the republic, since the provisioning of their contingents and the establishment of public roads would have been a source of advantage to them. Besides, it was the object of the Roman laws to remove from the

common-land the farming servants, and to establish there a sturdy race of Italicans, composed of day-labourers and cottagers. Nothing too is more astonishing than that the number of Samnite citizens rose in the course of fifty years to 70,000, and of knights to 7,000. The troops of the Italican allies were fed at the expense of the Romans, the foot receiving the same rations as the Roman infantry, and the horse two-thirds of those of the Roman cavalry. The towns of the allies were thus only under the obligation of equipping and paying them, and in case of necessity, of contributing to the provisioning of the cavalry. The contingents of each town were fixed, nor were they called upon to appear every year, but only when their turn was determined by the consul. Each town nominated the officers of its own troops, and the præfects of the allies whom the consuls appointed, were doubtless selected from amongst themselves: whenever detachments of allies distinguish themselves, the chiefs who are mentioned, are Italians not Romans.

The towns which were dependent upon Rome could not conclude a treaty with a foreign country, nor make war, nor defend themselves with their own forces, without the permission of the senate.

As to their internal policy, the *allies* had full liberty to enrol citizens and make laws for themselves. The table of Bantia supplies an example of the legislation of such towns. On the other hand, the common rights, which the Latin towns enjoyed, intimate that a uniform code of civil law was given to these colonies at their foundation, and it seems to follow, that this law could not be altered, a fact which is expressly stated of *Roman colonies*. They were allowed to retain the use of their native language: they had likewise their own magistrates, who exercised a criminal jurisdiction, and in many cases even a civil jurisdiction, whereas in the provinces, the latter belonged to the Roman governor.

Each of the free Italian nations had a *Patronus* resident in Rome, who as their *Proxenus* and representative, watched over their interests. In many cases the Roman senate commissioned him to settle the disputes which were referred to it for decision, when individual citizens made a complaint against their state, or when information had been given of delinquencies against the sovereign, or in cases of internal discord. The office of patronus became, in the degenerate times of the republic, a source of great profit to individuals. It was part of his duty to advocate the cause of any city when Roman officers had been guilty of oppression. In the *Latin cities* the magistrates were protected against the arbitrary tyranny of Romans in authority by the privileges of Roman citizenship which their magistracy conferred upon them: a distinction without doubt bestowed for that very purpose. We shall nowhere find a nation whose allies had higher privileges than these. It is true that some superior minds might aspire to greater things, and feel the want of the higher rights of citizens, but it was impossible to confer them till the Italians had become Romans in their manner of thinking and acting by living with Romans. The period when this became feasible was reserved for the future as a period of rejuvenescence though the infusion of rich and homogeneous elements. This was the great secret of the continued growth of Rome, whilst the Greek republics died away. The same advantages which had accrued from the admission of the inferior races, when the state was in its infancy, and from the equalisation of the plebeians with the patricians at a later period, were now awaiting the republic, if more profound views of policy could have prevailed over prejudices and narrow views. The natural development however was impeded. As Italy was reduced under subjection to Rome, new tribes were formed from time to time, and the general expectation must have been that they would continue to be so: and if in this system

there appeared to be danger on both sides, either that the new citizens would obtain a preponderance over the old ones, as the plebeians had over the original citizens, or that the burden of military service would be thrown disproportionately upon the old Quirites and so destroy them, new forms might have been invented to meet the difficulty. But that which a king like Servius Tullius had been able to effect, was impossible in a free state. Two things were necessary. The first was to revigorate and strengthen the higher classes: the only proposal which we know to have been brought forward with that object was that of Sp. Carvilius after the battle of Cannæ, which was viewed as little better than high treason, and yet its object was only to enforce a temporary measure: whereas the rubbish of the senate-house, now falling to ruin, should have been cleared away, to make room for new families of patricians, plebeians, Latins, and Italians. The second step was to remove the freedmen from the government, but this could only have been accomplished by colonisation out of Italy.

On the death of Pyrrhus, the Tarentines addressed themselves secretly for assistance to the Carthaginian commander in Sicily. The latter despatched a fleet which cast anchor off the harbour, while Papirius was besieging the town on the land side. The Carthaginians, however, were cautious not to commence hostilities. Milo, the governor, was equally hostile to either party, and his conduct shows how bitter must have been the feeling between himself and the townsmen. He pretended to open a negotiation in behalf of the citizens with the Roman general, as peace with Rome on tolerable conditions seemed preferable to the admission of a barbarian garrison in the pay of the Carthaginians, and he succeeded in deceiving the Tarentines into the belief that the negotiation was in a favourable train, when to their astonishment they discovered that the Romans were in the citadel, and that Milo had only stipulated for the safety of himself and the garrison. He sailed off to

Epirus with his troops and treasures, and the deluded citizens found themselves at the mercy of the Romans. We know little of the particulars of the sufferings of the Tarentines: liberty was granted to them, but their walls were dismantled, and their fleet and arms surrendered. The pictures and statues which adorned the triumph of the consul were most probably a part of the spoil of the city. The guilty individuals whose insults to the Roman heralds had hurried their city into war, were now most probably dead: otherwise they undoubtedly paid the penalty for their crime. A Roman legion seems henceforward to have been quartered in the city.

Carthage excused itself for the presence of her fleet by denying that the state had authorized such a measure. The rebels at Rhegium, who foresaw now the speedy approach of punishment, surprised the garrison at Croton and plundered the town. The consul, C. Genucius, blockaded Rhegium in 476 (482), and detached the Mamertines by a treaty from the cause of the rebels. The city was at last taken by escalade. Most of the Campanians were killed; 300 however were sent in chains to Rome, and condemned to an ignominious execution. The old inhabitants were then invited to return: and the new town continued to exist in the time of Strabo as a Greek city: nay, it is probable that it retained its distinct characteristics so late as a few centuries ago.

In the year 478 (484) for the last time a Samnite war was rekindled by a hostage named Lollius, who had escaped from Rome. Two consular armies were sent against him, and the insurrection was speedily terminated by the execution of the ringleaders. Lollius most probably had reckoned on the assistance of the Picentes, who revolted in the same year, but were reduced again in the following year 479 (485). The Sallentines may have been expected to join in the undertaking, as they took up arms unsuccessfully in

480 (486). Both the consuls conducted the operations against the Picentes; on their submission two colonies were established in their territory, Firmum and Castrum, and a portion of the nation, which amounted to 360,000 heads in all, was transplanted to the neighbourhood of the gulf of Salerno on the Lower Sea, where a town called Picentia was founded, and the new people received the name of Picentines. The Romans, who foresaw that a war with the Carthaginians was inevitable, were anxious to separate the Samnites entirely from the sea, and the population which they removed was most probably that from the tract of land known as the Ager Picentinus, bordering upon that which the Senones once inhabited. Considerable Roman settlements sprung up subsequently in both these districts. The Campanian colonies of Salernum and Buxentum served to keep the transplanted Picentines in subjection.

It was with the same object in view that the Romans had already settled colonies at Cossa and Pæstum in 473 (479). In the year 478 (484) they established the colony of Beneventum to secure the high road from Capua to Apulia: in the year 484 (490) Æsernia, to divide the Caudinians from the Pentrians: just as in the year 478 (484), they had founded Ariminum, to keep a check upon the nations on the other side of the Appennines, and to protect the Roman settlers in that neighbourhood.

Venafrum and Allifæ were kept separate from Samnium, and the prætor sent præfects there annually, as well as to Formiæ and Fundi. These towns therefore had the Cærite franchise, and thus all the land on the Roman side of the Volturnus was placed under the control of Roman magistrates.

The Sarsinates incurred the vengeance of Rome during the war with the Sallentines, and caused a slight interruption of the operations against the latter people. But these hostilities were terminated in 480 (486). Brundisium seems to have been colonised at a

much later period, though at present it served as one of the stations of the legion, whose head quarters were at Tarentum. By these means the union of Italy was achieved.

The expedition of the Romans to Volsinii was connected with a domestic sedition. As there were no free-commonalties in Etruria, the ruling party in Volsinii had found itself obliged, during the long war with Rome, to put arms into the hands of the serfs, who had subsequently forced their former masters to grant them the full rights of citizenship. The oligarchical party now called in the Romans to assist them to regain possession of their former power, and Q. Fabius Gurgus took the field in 481 (487). He was victorious in the first engagement, but was killed in an unsuccessful attempt to storm the place. The inhabitants were subsequently compelled by famine to surrender. The triumph is ascribed by some authors to P. Decius: the latter was prætor when Fabius perished, and may have succeeded to the command, and brought the blockade to a close. The prisoners were all executed as revolted slaves. The town itself was demolished by the Romans, and the Volsinians were directed to settle in the open country.

The constitutions of those Italian nations which had no treaties of alliance with Rome were most probably settled by a general decree, as in the case of the Latins: in whatever manner, however, this was arranged, it was done most wisely and beneficently. This is obvious from two facts. First, during the first Punic war, which followed immediately upon the union of the peninsula, no movement whatever against Rome took place; and secondly, when Hannibal carried thither the war, which subsequently consumed the vitals of the nation, the country was flourishing in wealth and population to a degree which later ages could scarcely admit to be credible.

CHAP. LXX.

DOMESTIC HISTORY AND MISCELLANEOUS
EVENTS OF THE PERIOD FROM THE LUCANIAN
TO THE FIRST PUNIC WAR.

Two years after the overthrow of Pyrrhus (473), Ptolemy Philadelphus sent envoys to Rome to solicit the friendship and alliance of the Romans. The senate received the embassy with distinguished courtesy, and in return despatched three ambassadors, the chief of whom was Q. Fabius Gurgus, the *princeps senatus*, with a favourable reply, and honourable tokens of their regard. These negotiations had a higher object in view than mere ostentation. The Alexandrian monarch had not only commercial relations of the greatest importance with the rulers of Italy, but there were political motives which induced him not to confine his negotiations merely to the securing of a favourable protection for the trade of his subjects. Neither his ambition nor his fears could be directed towards Carthage: Alexandria, however, as its founder had perceived, was destined by nature to be the capital of an empire which should unite the islands and the western countries of the Mediterranean. Already had the foundations of this been laid by the conquest of Phœnicia and Cyprus; already had the earliest kings had in view the *hegemonia* of Greece; but the alliance between the Macedonian and Syrian kingdoms threatened to interfere with these dreams of conquest, and if Pyrrhus should succeed to the dynasty of Antigonus there could be little doubt of his acceding to the views of the Syrian monarch. The interests, therefore, of Rome and Alexandria were identified by the existence of a common enemy; and as a second enterprise of Pyrrhus against Italy was by no means impro-

bable, a junction of the combined Egyptian and Roman fleets seemed to offer the surest obstacle to such an undertaking.

The increasing interest which Rome now took in the affairs of the eastern world is shown by the presence of an embassy of the Apolloniats of the Ionian Gulf in 480, who met with a highly favourable reception. Their object seems to have been to request assistance against Alexander the son of Pyrrhus, whose Illyrian wars endangered the Greek cities of that country.

In the year 479 (485) the number of the quæstors was increased to eight: this change had become necessary in consequence of the great increase in the property and revenues of the state. The quæstorship now conferred a right to a seat in the senate, and this circumstance to a certain extent limited the arbitrary power of the censors, for those persons who had filled the office of quæstor were considered in the light of candidates nominated by the people for the vacant seats in that house, and the rejection or postponement of such candidates was considered to be a declaration of their unfitness. As, however, it could hardly happen that at the end of each lustrum there should be forty vacancies, the mortification caused by exclusion may have been the reason why the number of the senate ceased to be as strictly regarded as heretofore. Thus indeed the senate appears at first to have consisted of the representatives of the *gentes*; then, indeed, to have been selected out of the number of powerful statesmen by the curies; subsequently to have been elected out of the whole nation in a partially popular manner; and finally, to have been an assembly elected by the people for life, though the censors still retained the power of rejecting or excluding an individual.

About this time, most probably, the institution of three commissioners of the mint may be fixed, as in the year 477 (483) Rome gave up her old monetary

system, and established a silver currency. In this case the Roman legislature only interfered to improve what was already in existence. The Denarii of Campanian and Neapolitan coinage, with the inscription *Romanom*, were evidently stamped as a means of accommodation for a commerce which required silver, but had not obtained it from the state. The great question respecting the Roman coinage of silver, is to determine whether it was a branch of public or private business, and in the latter case, whether it was carried on by individuals or families. To refer the types, which relate so peculiarly to families, and the names to the triumvirs, when the names and titles of those officers cannot be known, seems hardly warrantable: the confusion, however, in the coinage, connected with the withdrawal from circulation and the clipping of the coins is only explicable in the supposition that many individuals issued coins as a matter of private profit.

The *quinqueviri* were a local magistracy, who were responsible for the security of the city after sunset. At the same time the *decemviri litium* are said to have been established, who presided over the court of the *centumviri*, and who were reinstated in that presidency by Augustus. *Lis* was the peculiar title of a suit brought before that court. These new magistrates were elected by the comitia of the tribes: the *centumviri*, however, were the delegates of the individual tribes, who each elected three, probably under the superintendence of the plebeian ædiles. The extent of the jurisdiction of this court cannot be fully known, but it seems that all questions connected with Quiritary rights, with the validity of wills, with the succession to the property of intestate persons, and all *causæ capitis*, came before it. Contracts, however, did not come within its province, nor criminal cases: and the boundless field of *possessions* was intrusted entirely to the prætor. The *decemviri* acted merely

as presidents, laying the business before the court, and putting the question to it.

A general assignment of land took place at the conclusion of the war with Pyrrhus, and a portion of the Sabines were admitted to the full rights of citizenship. The numbers of the census can hardly be received with confidence during this period, from the great variations in the manuscripts. In 466 the poll amounted to 287,000, which gives an increase of 15,000 over the previous census; but there was a diminution of 16,000 or 26,000 at the next registration, in consequence of the war. In 482, however, the numbers had risen again to 292,000; but we have no clew to ascertain how far these augmentations are to be referred to the extension of the franchise, and how far to the increase occasioned by births or manumissions.

The censorship of Fabricius and Papus in 471 is remarkable for the exclusion of P. Cornelius Rufinus from the senate for possessing ten pounds weight of plate for the service of his table. We must not, however, consider this as an act of public censure against luxury, as it originated rather from the conviction that such valuable and unusual ornaments had been most probably embezzled from the booty of Croton. The rapacity and dishonesty of P. Rufinus are notorious.

It is pardonable for the historian to allude here to the frugal contentedness of Curius and Fabricius, although they have become a by-word in the mouth of declaimers. Curius, when visited in his humble cottage by the Samnite envoys, and solicited with the offer of costly presents to undertake the protection of them, followed but the dictates of his benevolent heart when he replied to them, that "he had rather command rich people than be rich himself." Both these heroes of the old school, plebeians, who had neither a *gens* on account of their birth, nor *clients* in accord-

ance with their own will, who had no wants at home, had not even portions to give their daughters; these, however, were portioned by the senate, who assigned to Fabricius a place of sepulture within the city, considering that the bones of one so godlike could not contaminate the purity of the soil.

The Appian aqueduct provided for but a small portion of the city: the booty of the war against Pyrrhus was destined to supply water to the other parts, and the execution of the work was fitly intrusted to Curius, but he did not live long enough to complete it. This water was the *Aqua Aniensis*, known afterwards as the *Anio Vetus*. It commenced at the Anio, above Tivoli, about twenty miles from Rome, and was conducted in a circuitous course of about forty-three miles, in order to avoid the valleys: it was only conducted upon arches along a distance of 221 paces. The Romans still considered it possible that war might approach so near the city as to cut off the supply of water in open aqueducts.

Rome now began to assume a more stately appearance in its private buildings: till the war with Pyrrhus the roofs in the city were only covered with shingles, now, indeed, gutter-tiles (*imbrices*) were introduced, and continued in general use.

The high-roads made since the censorship of Flaminus all bore the names of their founders: there is every reason to believe that the Latine, Salarian, Nomentane, and ancient Tiburtine roads were of older date than the Appian, and were most probably of a ruder character. The institution of a magistracy, consisting of four commissioners of the high-roads, the *Viocuri*, about this time, is an evident proof that great attention was now directed to this subject.

Volcanic and meteorological phenomena disfigure the physical history of this period. The winter of 476 was one of unparalleled severity. The Tyber was frozen over, and snow remained in the forum for forty

days: the olive-trees were destroyed by the frost; the flocks were starved to death, and wolves even entered the city. During the following year dreadful storms prevailed, and in the territory of Cales flames burst forth from the ground, and consumed for three days and nights the produce of the soil over an extent of five jugers. In the next year, 478, the shock of an earthquake was felt by the Roman and Picentine armies when drawn up in battle array against each other. A pestilence which followed in 481 and 482 was the cause of the Sibylline books being consulted: it was, however, probably the continuance rather than the violence of it which alarmed the state, as the result of the census does not accord with the idea of any very great mortality.

CHAP. LXXI.

THE FIRST PUNIC WAR.

THE fall of Rhegium had deprived the Mamertines of Messana of their single ally, which had supported them in their assaults upon the dependencies of Carthage, equally as in their ravages of the Greek cities. The vengeance of all these states was now fully roused against them, and Hiero of Syracuse, who had lately been raised to the throne, was their most determined enemy. This prince, of whose election the Syracusans never once repented during the whole of his long reign of fifty years, had dismissed the mutinous mercenaries who had been long in the service of the Syracusan state, and replaced them with a native army devoted to himself and their country. With these he gained a decisive victory over the Mamertines, the fruits of which, however, were wrested from him by the interference of a Carthaginian admiral cruising off the coast, who by his faithlessness laid the foundations of a war which entailed on the Carthagi-

nians the loss of a province, the possession of which they had now enjoyed for 250 years.

The Carthaginians had long turned their views towards the possession of the entire island, and the occupation of Messina seemed likely to be a step towards the furtherance of that design. On the other hand, if the Syracusans should have succeeded in establishing a connection between Messina and their own city, it appeared likely that a gate would be opened for the Romans to enter the island as protectors of the kingdom of Syracuse. The Mamertines, however, were divided in their opinions, and the protection of Carthage, though welcome as a deliverance from immediate danger, could not but excite distrust. Remembering their Italian origin, they naturally turned their eyes towards the ruling state of their native country, for Hiero was again in the field; but there were almost insurmountable difficulties in the way, for Rome had hitherto nothing to be ashamed of in the policy it had adopted, even if it had had much to repent of, and no city, which, like her, had put her own citizens to death on account of their deeds of infamy, could rescue their accomplices from merited punishment, nay, even receive them as allies, without disgrace. The advantages likely to accrue from such a step, and the danger in case Carthage should become the sole queen of Sicily, were obvious; but the senate was firm in preferring the most honourable course, and declined the proposal. The consuls, however, Ap. Claudius and M. Fulvius, 482 (488), were anxious for hostilities, and brought the subject before the people, who, alarmed at the growing power of Carthage, and miscalculating the probable duration of the war and the richness of the booty, resolved to admit the Mamertines to an alliance, and thereby inflicted an indelible stain on the Roman name.

In the mean time a Carthaginian garrison had been admitted into the citadel of Messina, and Hiero saw

himself compelled to renounce all further hostilities ; he shortly after, by the mediation of Carthage, concluded peace with the Mamertines, and so deprived the Romans of every pretext for interference. After a long delay, the lieutenant of the consul Appius appeared off Rhegium with a detachment of the army and a fleet of triremes, but the strait was guarded by a Carthaginian squadron. The lieutenant, after some negociations, crossed over in a boat to Messina, and announced himself to the public assembly as the liberator of their city from Carthaginian oppression. The forbearance of the Carthaginians made him hope that they would not resolve to oppose the passage of his army, as he could not expect to force the strait, having no ships of the line, nor even smaller vessels of war. The senate, it seems, had discontinued to keep up the small fleet of former times, and had now at its command merely the remnant of the navies of the Greek towns of Italy, besides transport vessels, to effect a landing upon an island defended by the finest navy in the world.

The Roman mariners were, in addition to this, entirely ignorant of the currents of the strait, and as a violent gale arose, some of the Roman vessels were driven in the way of the Carthaginian fleet, and the rest put back. Hanno, the Carthaginian admiral, sent back the captured vessels, and warned the Romans not to break the peace ; but they were not deterred ; and availing themselves of the cover of the night and of a favourable wind, the current, likewise, not opposing them, they effected a landing ; but the citadel still remained in the power of the Carthaginians. The Romans, however, invited Hanno to an interview, and in flagrant violation of the law of nations detained him prisoner. Hanno was weak enough to purchase his liberty by an order for the garrison to evacuate the place, and on his return to Carthage was crucified by his indignant fellow-citizens. The nature of the

punishment was horrible, but the severity of it is not to be blamed.

Hanno, the son of Hannibal, had in the mean time taken the field, and, in conjunction with Hiero, blockaded Messana. The Carthaginian and Syracusan armies, however, were in separate camps, and the consul Appius, having landed during the night, attacked the camp of the king, and defeated the Syracusan troops ere the Carthaginians could succour them. The next day the consul attacked the Carthaginians, who had weakened themselves by the massacre of their Italian allies whom they distrusted. He was, however, unsuccessful in his assault of their intrenched positions, but as they followed in pursuit of his troops, the Romans rallied, and routed them. The Syracusans had in the meanwhile retired to their own city, and the Carthaginian army seems to have dispersed itself into winter quarters.

The Romans now turned their arms against Syracuse, and encamped beneath the walls of that city. It was, however, too strong for them to attempt an assault, and they contented themselves with ravaging the open country, in the hope of bringing the citizens to terms. Hiero did not avail himself of an opportunity, which he might have seized, to take the Romans off their guard, but waited quietly till a pestilence, which usually attacks foreigners on the banks of the Syracusa, compelled the consul to decamp and retire to Messana. Negotiations were then commenced, but with no result.

In the second year of the war 483 (489) the consuls M'. Otacilius and M'. Valerius effected a landing without opposition, with four Roman legions and a proportionate body of allies. They advanced from eastern side of *Ætna*, and sixty-seven towns, of which a part were subject to Syracuse, but the greater number to Carthage, surrendered themselves to the Roman arms. As the consuls approached Syracuse, ambassadors met

them to solicit peace, which was granted, though on very severe conditions. The Syracusans lost nearly the whole of their subject towns: all Roman captives were liberated without a ransom, and Hiero consented to pay down 200 talents, and to become the ally of Rome. A Carthaginian fleet made its appearance in the harbour of Xiphonia when too late. The Romans then advanced westward to the furthest point of the island. Egesta was admitted to most favourable terms under the pretext of being connected by ties of kindred with Rome, and many other places submitted themselves. The Carthaginians transported the inhabitants of Tyn-daris to Lilybæum, the capital of their Sicilian dominions.

After this campaign the fate of Sicily seemed settled, for the Carthaginians had hardly made their appearance in the field, and the Roman senate did not at present dream of the subjugation of the entire island. The Romans first conceived this design on the conquest of Agrigentum in the third campaign in 484 (490). The inactivity, however, of the Carthaginians did not proceed from dejection: they had determined to remain on the defensive till they could assemble a formidable army, and in the mean time busied themselves in levying troops, not merely in their African dominions and in Numidia, but in Liguria, Gaul, and Spain. An army was preparing at Agrigentum under the command of Hannibal the son of Gisgo: a second one was being assembled in Sardinia under Hanno. This latter was destined to effect a landing in Italy: a danger which compelled the Romans to make extensive preparations for the defence of their coast.

The Romans did not for this reason carry on the war in Sicily with diminished energy. The defence of Italy was intrusted to the prætor, and the two consuls were despatched to Sicily, and turned their united forces against Agrigentum. Here, indeed, they blockaded Hannibal, who suffered himself to be shut up in the city with 50,000 men, having vainly endeavoured to break through the

Roman lines, and now waited for a diversion to be made in his favour. Hanno, after a long delay, landed with a powerful army, when the troops within the city were almost reduced to the last extremity. The treachery of the Siculi enabled him to make himself master of the magazines of the Romans in Erbessus, and thus to reduce the besiegers to the same straits as the besieged. They had commenced the siege in the month of May, and five months had now nearly elapsed. The great heat, combined with the scarcity of provisions, brought on a pestilence amongst the Roman troops, and had it not been for the extraordinary efforts which Hiero made to furnish supplies to his allies, the consuls would have broken up the siege and withdrawn their forces.

Hanno after several successful skirmishes found himself at length obliged by the repeated signals of distress which the Agrigentines contrived to communicate to him, to offer the Romans battle, who were themselves not disinclined to accept it, although the Carthaginians brought as many as fifty elephants into the field. The Romans, however, were reduced to great distress, two months having now elapsed since the loss of their magazines, and their only hopes lay in victory. The result of this combat was favourable to them, and Hanno fled with his routed army to Heraclea. Hannibal, in the mean time, availing himself of the darkness of a winter's night and the fatigue of the victors after the day's exertion, forced his way through the Roman lines the night after the victory, and escaped with the shattered remains of his once powerful army. The next day the Romans took the town by assault, and plundered it with a ferocity proportionate to their sufferings during the last seven months. Twenty-five thousand persons are said to have been sold as slaves. Philinus, the historian of these events, lost on this dreadful day his native town, and has avenged himself by writing a history as prejudicial to the Roman, as it is favourable to the Carthaginian cause.

Hanno, after the loss of Agrigentum, was recalled, and sentenced in a fine of 6,000 pieces of gold. Throughout this war, although the Roman commanders were changed annually, none showed themselves unworthy of the trust reposed in them by their country, whereas amongst the Carthaginian generals, before the appearance of Hamilcar Barca, there was only a variation of mediocrity, and when one general was recalled he was usually replaced by another who had previously shared the same disgrace.

The Carthaginians however displayed more energy and ability on their peculiar element, the sea. In 485 (491), Hamilcar (not Barca) who had succeeded Hanno, and Hannibal who had escaped from Agrigentum, swept along the coast of Italy with a fleet of sixty ships, and spread general terror, and on their return so alarmed the maritime towns of Sicily, that most of them surrendered themselves again to the Carthaginians. In the interior, however, of the island, where there could be no prospect of relief from Carthage, the Roman armies gradually subjugated all the towns. This turn in affairs banished all hope from the minds of the Romans of acquiring the entire possession of the island: the defenceless position of Italy likewise called for suitable means of defence, for the Carthaginians only wanted a commander adequate to the task of shaking the Roman empire to its centre. The senate therefore determined to meet the Carthaginians on their own element and to carry the war into Africa. A Carthaginian penteris, which had been driven on the shore of Bruttii, and had fallen into the hands of the Romans, furnished them with a model for their new ships of the line, a class of vessels of an entirely different structure from the fast-sailing *Xebecs*, which the maritime states of the Mediterranean employed for commercial purposes. A hundred and thirty vessels were built after this model in the course of sixty days: the unwieldy fabrics would with difficulty obey the helm, and moved but heavily along assisted by

sails and oars. A number of experienced rowers were wanting to man them, for the Italian mariners, accustomed to sailing vessels, had but little practice in the management of galleys. A hundred *penteres* required 30,000 rowers, and 12,000 marines: the former likewise consisted apparently of freemen not of slaves: for the latter service the allies and probably the proletarians were employed. The rowers were practised upon scaffolds, and for a very short time on board the vessels, as both impatience to try the new arm of the service, and the disastrous condition of things in Sicily summoned the consuls to embark.

Hamilcar had adopted the offensive in 486, and blockaded Segesta: the lieutenant C. Cæcilius, who attempted to relieve the town, was beaten back, and the prætor was despatched from Rome to take the command. In the meanwhile the consuls hastened the equipment of the fleet. C. Duilius, however, soon made his appearance in his province; his colleague, Cn. Cornelius Scipio, sailed for Messana, with seventeen *penteres*, the advanced squadron of the fleet. This consul, who for his credulity and incapacity received the surname of *Asina*, on his arrival at Messana was lured by a pretended embassy from Lipara to sail to that island. Bogud, a Carthaginian captain, was awaiting the success of the stratagem with twenty galleys not far off, and as soon as the Romans sailed into the harbour, he made his appearance. A panic spread through the Roman fleet; their vessels fled, the consul was made prisoner, and the whole squadron lost. Hannibal, having heard of this success, sailed towards the Italian coast in the hope of intercepting the remainder of the Roman fleet, but he found himself suddenly in the midst of the enemy, and had great difficulty in escaping.

Duilius was now called upon to take the command of the fleet: and, being well aware that the Carthaginians did not scoff at the infant navy of the Romans without good foundation, determined still to conquer them with

those unwieldy masses. This could only be effected by some contrivance which would deprive the Carthaginians of the advantages they possessed in quickness of movement, and enable the Roman soldiers to board the enemy's vessels, for the crews of them were totally unfit to cope with regular troops. For this purpose each Roman vessel was provided after the following manner, with a bridge to let down for boarding, and a grappling-iron. At the prow of the vessel a mast was raised twenty-four feet in height, and three quarters of a foot in diameter, with a pulley on the top. A ladder four feet broad and thirty-six feet long was fastened to the mast; across this boards were nailed to serve as steps, and the sides were protected by a balustrade as high as the knee. At the extremity of the ladder a strong and pointed iron was fastened with a ring, by which a rope was connected with the pulley, so that the bridge could be raised up, and when raised overtopped the mast by twelve feet. When a ship of the enemy approached sufficiently near, the rope was loosened, and the bridge falling down fastened itself into the deck of the enemy by the sharp iron pin: another ladder was arranged for the soldiers to ascend the mast and descend along the bridge, and as two men could pass along it abreast, it required but a few minutes for the whole of the two maniples of marines, who served on board each *penteris*, to board the enemy's vessel.

Equipped in this manner, Duilius went forth to meet the enemy, who with 130 vessels sailed against him with the expectation of certain victory. Their advanced squadron of thirty ships was immediately grappled with and captured. The rest endeavoured to out-manceuvre the Romans, but at last took flight, leaving behind them forty-five vessels, of which thirty-one, including a *hepteris* which had belonged to Pyrrhus, fell into the hands of the Romans. Their loss in killed was 3,000, and in prisoners 7,000.

The result of this victory was the raising of the

siege of Segesta. It was commemorated by a grant of extraordinary honours to Duilius, and by a monument, of which an antique copy has been preserved to the present day. In the following year, 487, the Romans divided their forces, and Cn. Cornelius led a fleet against Sardinia and Corsica. Aleria in the latter island was taken by the Romans. A Carthaginian fleet under Hannibal suffered itself to be blocked up in the harbour, and was destroyed. The unfortunate commander was executed by his own men. Cornelius, after this, made descents upon several parts of the coast, but was obliged to retire from Olbia on the approach of a powerful Carthaginian squadron. This diversion, though immediately profitable, was on the whole attended with disastrous consequences to the Romans, as Hamilcar was enabled to cope with their diminished forces in Sicily, and to turn the tide of war against them. C. Aquillius the consul, who commanded there, had great difficulty in maintaining himself on the defensive, and at the same moment Rome was threatened by an unexpected danger at home. Four thousand Samnites, who had been levied for the fleet, were quartered in the city, and finding many of their countrymen in slavery there, made common cause with the discontented slaves, 3,000 of whom joined them in a conspiracy to set fire to the city, and to massacre the inhabitants. The secret, however, was communicated to the senate by the commander of the Samnites, Herius Potilius, and the conspiracy was suppressed.

In the year 488, the consul A. Atilius Calatinus re-established the preponderance of the Roman arms in Sicily. In his march, however, through the mountains towards Camarina, his troops fell into a similar danger to that which befel the Roman army during the first war in Samnium, and were rescued in a similar manner by the bold manœuvre of the tribune M. Calpurnius Flamma. Camarina was defended with great obstinacy, and was only taken by the assistance of battering

machines which Hiero furnished. Gela was now in ruins: Enna likewise fell again into the hands of the Romans, and when the consul offered the Carthaginians battle near Palermo, they did not venture to quit their fortified camp.

It was in this same year, according to the generality of the accounts which differ from Polybius, that the colleague of Atilius was victorious in Sardinia, and Hannibal was put to death by his vanquished army. The Romans, however, notwithstanding their success, were aware of the fault they had committed in dividing their forces. In the following year, 489, the eighth of the war, the half of Sicily still remained in the hands of the Carthaginians. A naval victory near Tyndaris inspired the Romans with the hope of putting a speedy termination to the war, and they made great preparations, which however were met with still greater on the part of the Carthaginians. Three hundred and thirty Roman *penteres*, manned each with 300 sailors, passed the straits, and having taken on board 40,000 men, the flower of the Roman army, sailed for Africa 490 (496). The Carthaginians met them with three hundred and fifty *penteres*, carrying not less than 150,000 men. It was the greatest real military effort ever witnessed by the ancient world.

The fleets met each other in sight of the Ecnomus, where the Carthaginians half a century before had vanquished Agathocles. Hamilcar, the most distinguished of the Carthaginian commanders in this war, and Hanno led the Carthaginian fleet: on the side of the Romans, the consuls L. Manlius and M. Atilius Regulus. The engagement was bloody and decisive. The hostile fleets were each divided into four squadrons, and whilst the two leading squadrons of the Carthaginians, by a pretended flight, drew away the two leading squadrons of the enemy from the rest, the other two fell upon the remaining squadrons of the Romans, and thus there were three engagements as it were at once. The Romans, how-

ever, being successful with their main force, returned to the assistance of their comrades, now hard pressed, and turned the fortune of the day. The Carthaginians assembled again near Heraclea, and found that they had lost thirty vessels sunk, and sixty-four captured. The Romans lost twenty-four. Whilst the consuls were refitting and preparing to cross over to Africa, Hanno opened negociations, but without effect, and the Roman fleet, much against the inclinations of the crews, at last set sail. Hanno hastened to Carthage, whilst Hamilcar hung upon the skirts of the fleet, to harass it and cut off the stragglers.

The Romans however, did not sail direct to Carthage, but landed on the eastern coast of the Hermæan promontory, and occupied Clypea, as a place of arms, and as a harbour for the fleet. They then extended their ravages over the rich garden-like plains around Carthage, burning and destroying every thing before them. At the approach of winter it was customary for one of the consuls always to return to Rome, a custom which though it kept up the connection between the civil and the military orders, had been the chief cause of the retardation of the conquest of Italy. On the present occasion the observance of such a custom was fraught with the greatest danger, yet it was determined that L. Manlius should return with his troops and the chief part of the fleet, whilst Regulus should remain and achieve the conquest of Carthage, for which his single army was considered sufficient, if aided by the usual incapacity of the Carthaginian generals.

Regulus is said at this time to have solicited the senate to grant him his recall, in order that he might cultivate his plebeian farm, and provide for the necessities of his family; but the senate undertook this charge in behalf of the state. Polybius, however, does not admit the probability of this account, nor does he view the character of Regulus in the same highly favourable light in which his countrymen have regarded it. Re-

gulus was certainly not one of the greatest men of his age, nor did he ever display the accomplished skill of a first-rate general.

When Manlius had embarked for Rome, 491, Regulus, after a short interval of repose, led forth his army from their winter quarters and commenced the campaign with the siege of Adis. A Carthaginian army attempted to relieve the town, but the incapacity of its generals, Hamilcar, Hasdrubal, and Bostar, rendered the courage of their troops of no avail. They encamped amidst the neighbouring hills, where their cavalry and elephants, the main strength of their army, could not act, and were defeated with great loss. After this the Carthaginians retired within the walls of their city. Regulus conquered Tunis: seventy-four towns submitted to him, and the Numidians renounced their allegiance to Carthage.

Had Regulus not belonged to the poetical age of Rome, and had Nævius not sung of the first Punic war, we should not have read of the combat with the *boa*, 120 feet in length, which attacked and devoured the soldiers at the river Bagradas, and could only be destroyed by a discharge of missiles from the ballistæ.

An embassy from Carthage appeared before Regulus to beg for peace, but the proconsul, aware that any conditions which Carthage would regard as tolerable, would not be approved of by the Roman people, and that during the negotiations, the time of his office might pass away, and a successor arrive to snatch from him the laurels which he had nearly won, determined upon offering terms which the Carthaginians were certain to reject, and thus furnish a pretext for resuming hostilities. He therefore demanded "that they should surrender Sicily and Sardinia: should deliver up the Roman prisoners without ransom: should redeem the Carthaginian prisoners which had been sent to Rome: should acknowledge the sovereignty of Rome: should renounce the independent right of declaring war, and

surrender all their galleys, and if Rome should require it, should furnish fifty galleys to her aid." When these conditions were announced the ambassadors withdrew without making any reply, considering them as little better than destruction itself.

Carthage would have most probably perished, unless the same fate which had retarded the extension of the Roman power in order to consolidate it more firmly, had conducted to Carthage the Lacedæmonian Xanthippus, who arrived with a body of volunteers from Greece, in search of more active scenes than those which their native country could furnish them with. Xanthippus had most probably been schooled and trained in the Macedonian wars, and his previous renown secured consideration for his opinion in military affairs. It is not improbable that he had fought in his youth against Pyrrhus in defence of Sparta. On his arrival he observed with Lacedæmonian frankness, that it was neither the excellence of the Roman, nor the inferiority of the Carthaginian troops, which had been the cause of the continued series of victories which the Romans had gained, but the incapacity of the Carthaginian commanders, who knew not how to avail themselves of the services of their soldiers. A presentiment of a change in the tide of events was felt at his words, and the general voice demanded that he should be invested with the supreme command.

The Carthaginians had hitherto been evidently ignorant of the use to which elephants might be turned if skilfully employed, though Africa was the native country of such animals. Xanthippus was destined to teach them this service, and he advanced confidently with an army consisting of 100 elephants, 4000 cavalry, and only 14,000 infantry, against the Roman army, which amounted to 32,000 men. The Romans wondered at the audacity of the Greek, but they were taught this day that a new lesson in the art of war remained still to be learnt by them. The elephants advanced steadily and

trod down the Roman right wing, whilst the Carthaginian cavalry dispersed the feeble horsemen opposed to them, and though the Romans had been successful at first on their left wing, the day was ultimately decided against them. The consul himself was taken prisoner with 800 men, and the loss on the Roman side, according to their own accounts, amounted to 30,000. Two thousand of them escaped into Clypea. This engagement must be placed at the commencement of the year 492 (498.)

The Roman garrison in Clypea maintained a protracted defence beyond the expectation of the enemy, most probably because the latter could not turn their whole strength against the town in consequence of the rebellion still continuing in Africa. A fleet of 300 sail under Servius Fulvius and Marcus Æmilius as proconsuls was despatched to their relief, and engaged a Carthaginian fleet near the Hermæan promontory. The battle was for a long time undecided, till a Roman squadron, sallying forth from Clypea, fell upon the rear of the Carthaginians and put them to rout. The loss on the Carthaginian side was very great, though the numbers seem exaggerated. The consuls were enabled, by this event, to relieve the siege, but though they gained a victory over the enemy on shore, they found themselves constrained, by want of provisions, to re-embark and give up all prospect of continuing the war in Africa for the present.

It was now the summer solstice, towards the rising of Sirius, when the Etesian and western trade winds commence. This season is even more tempestuous in the Mediterranean than in the northern seas, and particularly in the neighbourhood of Sicily and the Syrtes. Even the most experienced mariner feels alarm at this period: and for this reason the pilots warned the Roman commander to avoid the southern coasts of the island, and sail round Lilybæum, but the Romans were anxious to reach as soon as possible a friendly port for

the sake of supplies. They were overtaken by a tempest off Camarina, and nearly the whole fleet was shipwrecked. Between two and three hundred galleys, and three hundred transports, are said to have been stranded, and the whole coast as far as Pachynus was strewn with wrecks and dead bodies. Hiero, however, showed himself as usual the faithful ally of the Romans, and furnished the rescued mariners with food and clothing. The remains of the fleet re-assembled near Messana.

This fearful catastrophe revived the courage of the Carthaginians: the rebellious tribes of Africa were now again humbled and reduced to subjection, and Xanthippus seemed to have taught his troops a system of tactics which the Romans could not resist; but he had himself quitted Carthage, to escape envy and to enjoy in his own country the glory he had acquired in a foreign land. The Carthaginians were still masters of the half of Sicily, for since 488 the Romans had not made any advance in this island. A new army now landed from Africa with 140 elephants, and every one expected that Hasdrubal would resume the offensive.

Rome, however, was not disheartened by the disastrous fate of her fleet: her first thought was to build and equip a new one, of 220 vessels, which was completed in the course of three months, and conducted by Cn. Scipio and A. Atilius Calatinus, as proconsuls, to Sicily, having on board a numerous army. They obtained possession of Cephalledium by treachery, and laid siege to Panormus, which consisted of an old and new town. The latter was stormed, upon which the old town capitulated. The fate of this important place induced Tyndaris and Soloeis, the former of Greek the latter of Phœnician extraction, to forsake the Carthaginians, but the vessels which were conveying the plunder of these places to Rome fell into the hands of the enemy.

The slow progress of their arms in Sicily induced the Romans to turn their thoughts once more towards

Africa. The consuls Cn. Servilius Cæpio and C. Sempronius Blæsus, thereupon, in the same year 493, laid waste the Libyan coast with a fleet of 260 ships; their fleet however was nearly shipwrecked on the coast of the little Syrtis from the pilots being ignorant of the ebb and flow of the current in these parts, and of the shallowness of the water. They escaped by throwing overboard all their stores, but they were overtaken by a storm near the promontory of Palinurus and lost 150 of their vessels. These repeated disasters humbled the courage of the Romans, and the senate resolved not to restore the fleet but to limit its numbers to sixty ships, which would serve for the defence of the coast of Italy, and the protection of convoys. Lipara about this time surrendered to them, and Thermæ was likewise wrested from the Carthaginians in the same year 494.

Although the Romans had now succeeded in driving the Carthaginians into a corner of the island, they still did not venture to attack them for fear of the elephants, although the Carthaginians offered them battle in 495 (501). This reluctance to engage encouraged the Carthaginian commander to advance against the proconsul, L. Cæcilius Metellus, who was encamped on the frontier of the territory of Panormus, to protect the harvest. The Romans had fortified their camp with a trench and palisades, and the light troops were directed to skirmish with the elephants, and, if hard pressed, to retire behind the intrenchments, whilst the heavy-armed troops were kept in readiness to make a sally. Every thing succeeded as the Romans anticipated: the elephants drove the Roman skirmishers into the camp, and advanced up to the trench; but here they were assailed with showers of missile weapons: many of them fell, and the rest turned about against their own troops: at this moment the Roman reserve sallied out, and bore down all before them. The Carthaginians fled, and many of them were driven into the sea. The number of slain are said to have been 20,000, and amongst the cap-

tives were thirteen generals. A hundred and four elephants were captured and exhibited in the circus at Rome; all the rest were destroyed in the battle.

This was the third and last important engagement in Sicily. The mortality during this war was very great, for pestilence as well as the sword destroyed its thousands, and Sicily itself was already on its way towards that desolate condition in which it presents itself to our notice in the seventh century.

Lilybæum and Drepana were now the sole places in the island that remained in the possession of the Carthaginians, and both were impregnable from their situation. About this time an embassy was despatched to Rome itself, in company with M. Regulus, now in the fifth year of his captivity, to negotiate an exchange of prisoners, and to propose peace. Few events in the history of Rome have been celebrated by her poets and orators more than this embassy, and the self-devotion of Regulus: how, indeed, he confirmed the wavering resolution of the senate, preferring honour and his oath to all the solicitations of his friends; how he pretended that Punic treachery had administered a slow poison to him, which would inevitably soon terminate his existence, even if the senate, less mindful of its country than of an individual citizen, should endeavour to retain him; and how, having torn himself from the embraces of his family, he returned to Carthage, and perished amidst the most excruciating tortures.

Dio Cassius, however, states that the death of Regulus by torture was merely a report; that at first, indeed, Regulus lost his sleep from being shut up in the same place with an elephant, but that this cruelty was soon discontinued. It is by far the most probable that Regulus died a natural death, and that the cruel treatment of the Carthaginian prisoners, who were delivered into the hands of his family as hostages or for revenge, has been the cause of the prevailing story, in conjunction with the general tendency of the

Romans to libel their enemy. But even the source, from which the account of the inhuman rage of the relatives of Regulus is drawn, is itself suspicious. The conduct of Regulus himself, had he not already found a place amongst the heroes of his country, would not entitle him to more than ordinary respect. Had he, indeed, not kept the oath which he had sworn, he would have been dishonoured; had he not abused his own victories, he would not have been afraid to return. Cn. Scipio was exchanged from captivity without dishonour, and obtained a second consulship afterwards. This fact, and the circumstance that three years afterwards, when the Romans were in a less favourable position, the *cartel* was concluded which Regulus is said to have prevented, make the reason of his generosity quite inexplicable, for the exchange would have been favourable to the Romans, and the ransom would have replenished their exhausted treasury. The refusal of peace was consistent with the usual policy of Rome in not withdrawing any condition once advanced, and Carthage would not consent to evacuate Sicily entirely.

The following years of this war, till the decisive victory which forced the Carthaginians to accede to the Roman terms, were years of disaster and humiliation to Rome, yet the republic never once swerved in its course towards the goal which it had originally marked out. In the autumn of 496 the consuls C. Atilius Regulus and L. Manlius Vulso laid siege to Lilybæum. This town, the capital of the Carthaginian province, was most strongly fortified. The ditch which encircled it measured ninety feet in breadth and sixty in depth, and the walls had defied the efforts of Pyrrhus. The entrance to the port was most intricate, and could not be discovered without a skilful pilot when the beacon was removed, so that there was nothing to fear from an enemy's fleet. The garrison was numerous, and fully adequate to the defence of

the place. The beleaguering army, if we receive Diodorus' account, amounted to 110,000 men, and formed a strongly fortified line from sea to sea. The approaches to the town were made in regular parallels, a causeway was thrown across the ditch, and engines, which the mechanical skill of the Syracusans had almost brought to perfection, were employed against the walls. The entrance of the harbour was in the meanwhile blockaded, and the mercenaries began to waver in their fidelity to Himilco, as new breaches were effected by the Roman battering-rams. The besiegers, however, when the first wall lay in ruins, found a second raised against them, for the destruction of which it was necessary to repeat all that they had already undergone.

A Carthaginian admiral of the name of Hannibal, worthy to bear that name, determined to relieve the town, and having assembled fifty of his best galleys near the *Ægates Insulæ*, bore down upon the blockading squadron in order of battle. The latter, although much stronger in numbers, were afraid to risk an engagement amidst the sand-banks and shallows off the harbour, and the Carthaginian fleet entered the port in safety: they, however, sailed out again at night, having landed their stores, and assembled at Drepana. The garrison, encouraged by the relief they had received, made a sally on the same day, in the hopes of destroying the Roman works, but ineffectually: on a subsequent occasion, however, they were successful in setting fire to them, and compelled the consuls to give up all hopes of taking the place excepting by the slow process of a blockade. The sufferings of the besieging army were now almost as severe as those of the besieged, and in the summer of 497 a pestilence, assisted by a scarcity of food, carried off 10,000 of the Roman troops. Great exertions were made at Rome to continue the blockade, and the consul, P. Claudius, was despatched with reinforcements to Sicily. The

rashness of this man was fatal to the lives of many thousands of his fellow-citizens. He determined to attack the Carthaginian fleet in the harbour of Drepana; and when the auspices were declared to be unfavourable, he commanded the chickens that refused to feed to be thrown overboard, with the exclamation, that "they must drink if they would not eat."

The works of the Romans before the port of Lilybæum, though they did not attain their immediate object, were ultimately destructive to it, as sand-banks subsequently formed themselves on the ruins of them. Drepana however has retained its value as a port. Adherbal though surprised at the approach of the Romans, was not unprepared for defence, and as they entered the harbour he sailed forth into the open sea. Claudius pursued him, but his fleet fell into confusion, and in the mean time Adherbal out-manceuvred and cut off his retreat. The Carthaginians must have discovered by this time some mode of baffling the Roman grappling bridges, for they were no longer afraid of them: their crews were skilful in evolutions, and the open sea was in their favour. The Romans, being driven towards the coast, had scarcely space to move in, and most of their vessels, having been long on the station, were heavy in their movements. Their left wing alone escaped, in which the consul himself was stationed with thirty vessels: ninety were destroyed. The Roman loss amounted to 8,000 killed, and 20,000 prisoners: the victory was certainly an easy one, but it seems incredible that the Carthaginians had not a single man killed, and only a very few wounded.

The shame and grief about this defeat was very great at Rome, and the republic ordained that the consul should nominate a dictator, and lay down his own office. Claudius thereupon nominated his own client, the son of a freed-man, M. Claudius Glycias, but the senate would not bear this impertinence, and deprived this unworthy person of his new dignity. The senate

seems to have resumed its ancient prerogative of nominating the dictator, and invested A. Atilius Calatinus with that honour. It is reported that he was found by the messengers of the republic sowing his own farm, and received from that circumstance the surname of Seranus. If this is authentic, the defeat of Claudius must have happened about the August of U. C. 497. There is some doubt as to the fact of his being punished for his temerity by a heavy fine, but he certainly did not survive his disgrace.

The Romans were not disheartened, and the pusillanimity of a senator who dared to recommend peace was punished in the senate-house by immediate death. Had but the Carthaginians possessed the same perseverance, victory must finally have declared itself for them, for they had now every advantage on their side which the Romans had hitherto possessed, able generals and good fortune. Their fleets scoured the coasts of Sicily and Italy, and captured or destroyed all the remains of the Roman fleet that ventured to appear on the open sea. During this time a fleet of 800 transports assembled at Messana and Syracuse, destined to supply the wants of the army before Lilybæum. C. Junius, with sixty galleys, was preparing to convoy them, when the necessities of the army induced him to despatch a squadron in advance, though the Carthaginians were masters of the sea. Carthalo intercepted this squadron, and drove it into the roadstead of Phintias, when he captured or destroyed seventeen of the galleys, and a great number of the transports. The consul followed soon afterwards with the remainder, and when the Carthaginians disputed his passage, took shelter near the shore of Camarina. A tempest threatened to burst upon them, but the consul feared the elements less than the enemy, and remained under the lee of the coast. The Carthaginians in the meanwhile succeeded in doubling the headland of Pachynus, and were sheltered when the

storm commenced; but the Roman fleet was utterly destroyed. Two only of their galleys rode out the gale, and of the transports not a single plank remained serviceable. The greater part, however, of the crews escaped, and made their way to Lilybæum, where the consul endeavoured to retrieve his reputation by detached enterprises against the neighbouring towns, but he only succeeded in taking Eryx, and, on his return to Rome, saw himself obliged to avoid sentence by a voluntary death.

The Carthaginians at this time were much embarrassed by a dangerous mutiny of their troops on account of the long arrears of pay now due to them. Hamilcar, the father of the great Hannibal, was appointed to the command under these trying circumstances. We must not consider his surname of Barca as by any means a family name, for these were unknown amongst the Carthaginians; it seems, if we may draw an inference from kindred languages, to have signified *lightning*, and to have been applied in the same way as the Romans termed the Scipios the thunderbolts of war. He was not above thirty years of age when the chief command was intrusted to him, but extraordinary times warranted extraordinary measures. His first and most arduous office was to curb the mutinous spirit of his troops, after which he sailed to Italy, and pillaged the coast of Bruttium and Locris: on his return he landed near Panormus, and took possession of Mount Hercte, which we may recognise in Monte Pellegrino, which forms so noble an object from the present capital of Sicily.

This rock, the surface of which is, according to Polybius, 100 stadia, but according to modern travellers about four miles in circumference, is accessible from the side of the sea by a landing-place, where galleys could ride at anchor. On the land-side art had combined with nature to render the approach of an enemy impracticable. The garrison was supplied

with provisions by their own cruizers: and the Romans found themselves obliged to give up the blockade of the maritime towns, lest the enemy should attack them in the rear. Here, then, for three years the hostile armies remained in sight of each other without coming to an engagement. Hamilcar, however, made several successful incursions even into the heart of the island, and, in the hopes that the Romans would be unable to equip another fleet, he gradually trained an army with which he might venture to meet the enemy in the open field.

His undertaking against the city of Eryx is evidently a deviation from his general plan, and not to be accounted for satisfactorily.

The Romans had established themselves on the summit and at the foot of the mountain, yet Hamilcar contrived to land his troops secretly on the side towards the sea, and to make himself master of the city, which was about half way from the summit. Here he maintained himself for two whole years, besieging the Romans above, and himself besieged by the Romans from below, nor could he be dislodged by any efforts on their part. The senate now became convinced of the necessity of equipping a fleet, as his supplies could only be cut off by depriving the Carthaginians of the mastery of the sea, but the want of funds for such a purpose seemed to be an insurmountable obstacle; nor could the difficulty have been overcome, had not private patriotism come forward at the call of the republic. Loans were granted to the state; individuals equipped penteres at their own cost, and when they were unable to bear the entire cost, they contributed the half or the third of the expense. Two hundred new galleys were launched, according to Polybius, but Orosius and Eutropius make the number to be 300, built after a most beautiful model which had been captured by the Romans at Lilybæum.

The consuls for the succeeding year, 504 (510),

were C. Lutatius Catulus and A. Posthumius; the latter, being the high-priest of Mars, was forbidden by the Pontifex Maximus to leave the city, in consequence of which a new magistracy was established, that of the *prætor peregrinus*. Q. Valerius Falto, the first person who filled this new office, which was of a partly military, partly civil character, accompanied Lutatius, as second in command, in an expedition against Drepana. A wound which the consul received there disabled him from following up the favourable prospect which had at first presented itself, of capturing the town; and as Hanno was immediately despatched from Carthage with a fleet, the Roman general strictly confined his men to such a course of discipline as might enable them to cope with the enemy on their own element.

Hanno, in the mean time, had neglected to man his ships with able mariners and soldiers, his object being to land provisions for the supply of the garrison at Eryx, and then to take on board the choicest of Hamilcar's army, and so engage the Roman fleet. Lutatius, however, aware of his design, determined, if possible, to engage him before he could effect a junction with Hamilcar, and sailed out to Ægusa one of the Ægates Insulæ, where he awaited the enemy's fleet. The wind was in favour of the Carthaginians, and the sea ran high, as they sailed forth from Hiera, another of the Ægates, and bore away towards Eryx. But Lutatius, with his light galleys and well-trained crews, quickly encountered them, and at the first onset broke their line, and completely defeated them. Fifty of their ships, according to Polybius, were destroyed, and twenty taken, whilst 10,000 prisoners remained in the hands of the Romans: the numbers, however, are rated much higher by other authors. The Romans lost about thirty ships, and had the same number damaged.

Hamilcar now perceiving that Sicily was virtually

lost to his countrymen, opened negotiations with Lutatius, and signed a preliminary treaty, on the faith of which he quitted Sicily. The terms of it were as follows: "that the Carthaginians should evacuate Sicily: that they should deliver up all the Roman prisoners without ransom: that they should pay within twenty years 2,200 talents of silver, of which 1,000 should be paid immediately: that they should respect the allies of each other: that they should not build fortresses or levy soldiers in each other's dominions: that they should not enter into a confederacy with the allies of each other." The Roman people, however, in the definitive treaty which they empowered ten commissioners to conclude, added somewhat to the severity of these conditions, by increasing the sum of money by 1,000 talents, and limiting the time of payment to ten years, as well as by excluding the Carthaginians from all the islands between Sicily and Italy. This was most probably ratified in the following consulate of Q. Lutatius and Q. Manlius.

The exhaustion consequent on the first Punic war must have been fully as great as that in any subsequent war. At the very commencement of it the republic saw itself obliged to diminish the weight of the As to two ounces. At what period the intermediate diminutions took place it is impossible to say, but that there were intermediate ones between that and the original weight of the As is undoubted. The repetition of these diminutions evidently impaired the situation of the soldier in foreign countries, where the copper money of the Romans possessed no current value, though in Rome itself only a slight effect could be produced by it, as there was little, if any, foreign trade there. But all inconvenience in this respect was remedied by the introduction of a silver currency, for which the Carthaginian contributions furnished an adequate supply of bullion.

The exertions of the Roman people during the war

were immense; for instance, the taxes on income must have proved most oppressive, yet, even so, they could hardly meet the expenditure; and doubtless the republic was obliged to seek resources in the sale of the public domains, by which measure great changes must have taken place in the distribution of property. Still greater changes, however, were occasioned by the diminution of the population, for in the second year of the war the censors had made a return of 292,224 heads, whilst in the eighteenth there were only 251,222. Though the absolute diminution during these years of blood is less than might have been expected, yet if we compare the last return with that at the end of the third Samnite war, there is a deficit of 11,000, in spite of the increase naturally to be expected from the admission of the Sabines and other people to the full franchise.

To Carthage, indeed, the blood of her soldiers was less valuable than to Rome, but the taxes were most burdensome, as the services of those soldiers had to be bought at a high price. Africa likewise suffered more grievously by the Roman invasion than Italy did by any inroad of the Carthaginians.

It is extraordinary that no insurrection broke forth amongst the Italicans, for the only movement which we hear of is the conspiracy of the Samnites. Rome had either taken the precaution of securing the allegiance of her subjects by hostages and garrisons, or perhaps the Italicans had already become habituated to regard the victories of the Roman arms as so many triumphs of their own. Rome lost 700 galleys, and Carthage 500, and more than 100,000 men perished by the various casualties of the war: yet the philosophical reasoning, that the value of a conquest never repays the losses sustained in its acquirement, is refuted by historical experience. It is true, indeed, that the diminution in the present wealth of the victorious state may be considerable, yet, if the nation continues to

flourish, its conquests secure it a certainty of existence, and a vitality which enables it to recover from its transient exhaustion, and to soar again with its energies more than proportionately renewed. The acquisition of Sicily, such as it was when the Roman legions first passed over into it, would have well repaid extensive sacrifices; but in the miserable condition in which the island was ceded to the Romans, it did not furnish an adequate compensation. Had the Roman people been content with the dominion of Italy, they would have remained more happy and more virtuous; as, however, Carthage aimed at dominion over the West, at a time when great empires sprung up daily, Rome was less to blame for having undertaken a contest which did not repay her immediately, but which would soon have been unavoidable: yet without this war, perhaps the genius of Hamilcar would not have been called forth, nor his spirit have devolved upon Hannibal.

The nations of Italy by no means stood *all* in the same relation towards Rome; nor is a peculiar and definite *Jus Italicum* any thing more than the dream of modern days. Some states were independent allies, others were voluntary confederates, but dependent, whilst many were completely subject to Rome. These, however, gradually regained their lost position, so that about this period, down to the second Punic war, all the nations of Italy were equally bound to serve as the *allies* of Rome. The only taxes to which they were liable, and there were exceptions even in this case, were customs and excise dues. They were exempt from a land-tax; their contingent of troops was defined, and they were under the obligation of furnishing them with arms and pay, and perhaps with food likewise.

Sicily was quite a distinct country, its population being of Grecian origin, and despised by the Romans in all military matters: their very tactics and arms rendered them unfit to serve as auxiliaries. The

Republic, therefore, determined to adopt an entirely different policy in respect to the Sicilians, and to regulate the island on the footing of a tributary province.

The signification of the word *province*, which was employed for the first time in the case of Sicily, has been usually explained by a forced and suspicious etymology. As to the form there is only the word *uncia*, which can be compared with it, in which the *c* does not belong to the root. It seems obvious to consider the word as but another form of *proventus* which is used by Cicero in the sense of *πρόσοδος*, and as synonymous with *vectigal*. This is precisely the chief feature of a Roman province, that it was not entitled to bear arms but only to serve the sovereign in a *financial* manner. When the provincials were armed under extraordinary circumstances they were on the footing of auxiliaries, not of allies.

There were, however, sometimes within the natural limits of a province, confederate states even, and others which were acknowledged as free, which were not tributary yet probably were not liable to military service beyond those limits. They had these privileges because the republic required extraordinary supplies from them, and because they were under the intermediate jurisdiction of a governor, whilst the allies in Italy communicated immediately with the senate. In this manner, Hiero and Syracuse were in alliance with Rome, having been released from the tribute in the fifteenth year of the treaty, on account of their fidelity. After the peace this good king governed his little state with such mildness and wisdom, that its prosperity was equal to that of former days, and its happiness the envy of the neighbouring provincials. Although sovereign but in name, he showed that even under the irresistible sceptre of Rome a domestic government was capable of securing many great advantages to its subjects.

Besides Syracuse, the republic of the Mamertines

and the Grecian Tauromenium maintained their ancient estate as confederates: Segesta, Centoripa, Halæsa, Halicyæ, and Panormus remained free and exempt from taxes, which appears somewhat unaccountable, as Panormus for instance had been taken by storm. Segesta, on account of its Trojan origin, received a portion of the lands, which by the right of conquest had become the property of the Roman state: the senate were wisely reluctant to see these domains in the occupation of Roman citizens, so that the districts, which were not bestowed upon favoured towns, were restored to their ancient proprietors. They were however subject to taxes, which were farmed out by the censors like the taxes in Italy. The landed property of the remaining Sicilian towns was liable to the payment of a tithe, not merely on corn, but on olives and other fruits: the Romans followed, in this respect, the system which had been laid down by Hiero, of levying this revenue as a land-tax.

In the subject towns tolls and excise duties payable to the republic, were established: the regulation of them belonged to the censors.

The distinction between demesne-lands and titheable estates evidently shows, that the latter were regarded by the state as private property, whereas the possessors of demesne-lands were compelled to remove, when the interest of the state required it. Yet the latter were certainly not according to Roman law *property*, and being liable to taxes, differed from all Italian estates, for in Italy a land-tax was incompatible with the notion of property. The subject states of Sicily were, like the subject nations of Italy, deprived of their national assemblies, and the inhabitants were prohibited from acquiring landed property beyond the limits of the common domain; but a few cities were favoured in this respect, and their inhabitants were thereby enabled to enrich themselves at the expense of the rest of the island. The Roman speculators in land carried on their trade here

to an enormous extent, for, as Roman citizens, they were allowed to purchase land everywhere, and enjoyed peculiar advantages: so that in the days of Cicero the native landed proprietors were reduced to a very inconsiderable minority.

The general character of the constitutions established by the Romans in the subject towns of the island was oligarchical, on the principle of the Roman census. There was, it is true, a commonalty in every city, but the administration, as far as it extended, was in the hands of a *council*. In the year 506 (512), Q. Lutatius concluded the regulations for the province, and disarmed all the subjects: but an honourable exception seems to have been subsequently made in favour of seventeen cities.

For some time now the people had annually elected two prætors, one of whom was a military commander. This had become necessary in order that an army of reserve might be kept on foot for the defence of the coast of Italy, unprotected as it was by any fleet: for it is an improbable supposition that the second prætor exercised at present judicial functions in the case of strangers; it is more likely that Sicily was his province, and that the entire military force in the island was under his command, as well as the police of the country. He was liable to an action if he infringed the law, but his authority was paramount. With respect to his judicial functions, these were exercised in all legal actions between Roman citizens, as well as in suits between the inhabitants of different towns: but legal disputes between the citizens of the same town were settled by their own magistrates. In cases of civil actions brought by a Roman against a Sicilian, a native magistrate decided the question: on the other hand, a Sicilian was obliged to seek redress against a Roman before the tribunal of the prætor; but if it was a suit between a citizen and his own city, the decision of the affair was intrusted to the senate of another town.

APPENDIX.

APPENDIX. p. 12.

ON THE AGRARIAN SYSTEM OF THE ROMANS.

As it is now clearly established, that the agrarian laws of ancient Rome referred solely to the disposal of the *public land*, and in no respect interfered with the legal *rights of property*, it may be worth while to examine the agrarian institutions in their general bearings, inasmuch as the phenomena resulting from them are peculiar, and do not occur in the history of any contemporaneous state.

They may be viewed then in a twofold light, either as political or as economical regulations: they assume the former character when we contemplate their operation as affecting the accumulation and distribution of *power*, the latter when we regard their influence on the production and distribution of *wealth*.

If, indeed, the nations of the world may be considered as belonging to one great family, the several members of which are ordained to play a distinct part, and to fulfil a separate mission, and to each an existence is allotted for a more brief or more protracted period, according as its mission is simple or complicated, and may be fulfilled at once or at intervals; then indeed it may be assumed that one of the earliest tasks in the great mission of the Roman people was to vindicate the cultivation of the soil as a profession worthy of the energies of the freeman, and to abolish the warrior caste (*οἱ φύλακες*) as an integral body of the state, set apart exclusively for the destruction or defence of their fellow men. It is not meant here to assert that the

principle of a territorial militia is recognised for the first time in the Roman system, as such an assertion might appear to derogate from the wise and benevolent regulations of the Mosaic agrarian law: but it may be observed that in the Mosaic system, the principle was limited in its application, both by the exclusive character of the Jewish polity, and by the peculiar constitution of that militia itself, the object of which was defence rather than conquest, whereas in the Roman scheme the propagation of the principle seems to have been contemplated and provided for. It were almost superfluous to point to the Helots of Sparta, the Pericæci of Crete, and the Penestæ of Thessaly, as exemplifications of the *phases* which society had hitherto presented. The importance indeed of the element now practically introduced into civilization will be more obvious, when we consider the great prejudices hitherto entertained against the cultivation of the soil, not merely as evinced by the accidental results of a previous chain of causes, which may perhaps have baffled or eluded the control of the legislator, but by the deliberate convictions entertained even by the enlightened philosophers of Greece. For nearly three centuries after that agriculture had been declared, by the constitution of Servius Tullius, to be the fit and necessary occupation of the freeman and the warrior, it was pronounced by the most practical philosopher of Greece, who had certainly more than a superficial knowledge of Rome, and who was acquainted with states, probably in Italy, where the character of the husbandman and the soldier were compatible, καὶ γὰρ ὅπλιτεύειν καὶ γεωργεῖν συμβαίνει τοῖς αὐτοῖς πολλάκις, that agriculture was unworthy of the freeman, οὐ δὲ δὴ γεωργὸν εἶναι (δεῖ) τοὺς μέλλοντας ἔσσεσθαι πολίτας. Ar. Pol. vii. c. 8., and that the cultivators of the soil should be either slaves or barbarians, or Pericæci. It might be alleged that the philosopher was not entirely blind to the value of “a bold peasantry, their country’s pride,” as he elsewhere says, βελτιστος

γὰρ δῆμος ὁ γεωργικός ἐστίν, but that with his peculiar views of the natural institution of slavery, and of its expediency, ὧν συμφέρει τῷ μὲν δουλεύειν, τῷ δὲ δεσποτιῶν, the assignment of the cultivation of the soil to the slave was a necessary consequence; all this and more may be admitted, and the practical inconsistencies of the philosopher may be explained by his fondness for generalization, or even by the political circumstances under which he wrote. When, however, we reflect that he was peculiarly the philosopher of *facts*, that he had reviewed the constitutions of not less than 158 different states, and that the conclusions at which he had apparently arrived, differed but slightly from those promulgated by his master in his Laws, we cannot but recognise in the system which gave to the soldier an occupation in peace, and thereby showed practically that war was to be the exception, not the rule of his habits of life, a great step towards the development of the true duties and interests of humanity.

Nor must we consider the original agrarian scheme as a legislative enactment for the exigencies of the moment, as an expedient against difficulties which had escaped the foresight of previous legislators; on the contrary it was part of a great system of prospective legislation, in which the future mistress of the world already contemplated her own image in its full and giant proportions, it was the very key-stone of the arch of victory which she ultimately raised over all the nations of the world.

For as immediate ends are again subordinate means to still further ends, so this union of the agricultural with the military character, did not impair but rather strengthen the latter. For to what but to her peasantry was Rome indebted for her triumphs over the Samnites and the Etruscans? to what more than to her system of colonization, a branch of her agrarian scheme, was she indebted for the security and extension of her frontier? So that by an institution which, to the Greek

philosopher would have appeared to derogate from the dignity of the soldier-citizen, a host of warriors were trained up ready to take the field at the call of their country, yet no less ready to exchange the sword for the ploughshare.

It is not however merely in a military point of view that the value of these institutions is evident ; they were of a no less domestic importance in providing against the growth of a city-populace, such for instance as that of Naples in the present day, against the phenomenon, so frequently met with in great cities, of the most squalid indigence by the side of the most profuse extravagance. That this was one of those evils the growth of which was checked by the agrarian system may be inferred from the fact that, when the due execution of it was discontinued, during the century preceding the Sempronian enactments, the evil developed itself in the most frightful manner. For not merely was the increasing population of Rome pent up within the walls of the city from the want of allotments of land on which they might reside and employ their labour, but the country-people themselves, unable to procure a livelihood at home, inasmuch as it was thought likely to be attended with less danger to the state in its already unwieldy condition that its territory should be cultivated by slaves as less turbulent than freemen, flocked daily into the capital in spite of the express laws against it, hoping amidst the general extravagance there to find some means of gaining for themselves a livelihood. The poor law of C. Gracchus, for such we must consider the *lex Sempronia frumentaria*, was but an inefficient palliative of the evil. It might be necessary as an expedient to meet the pressing exigencies of the moment, but the continued application of it subsequently as a permanent principle tended to hasten still more rapidly the demoralization of the city-populace.

The great features of the agrarian system consisted in the assignment of land as *property* to individual

citizens, and the establishment of bodies of citizens, as colonies, in towns conquered from the enemy. Instead of the twofold division which the Grecian philosopher advocated in regard to the *property* of individual citizens, that each should receive two allotments, one near the capital, and the other near the frontier, Ar. Pol. VII. c. 9, in which case non-residence in one or the other place would be an unavoidable consequence, the Romans adopted two separate plans; one of these provided for the creation of new tribes by settling a portion of the youth of the city in the open country, and in the more immediate neighbourhood of Rome: the other for the defence of the frontiers, by establishing another portion as settlers in the conquered towns: and thus, whilst the extremities grew and extended themselves, the action of the heart was kept up, and it was enabled to circulate the life-blood into the remotest parts by a simultaneous increase of its own energy and vitality.

We must now turn to the less pleasing task of criticising the defects of the system. When the number of thirty-five tribes was completed, the assignment of land was discontinued, and the system of colonization was alone attended to. The colonies thus daily assumed more and more the character of fortresses in a hostile territory detached from each other, and connected only by great lines of military roads, stretching across tracts of country, cultivated indeed but not inhabited. The husbandman sallied forth at daybreak into the fields, but with the setting sun returned within the shelter of the walls of the nearest city. Thus, indeed, Italy assumed gradually the appearance of a mass of towns without a rural population, of a congeries of atoms without a matrix: a condition of things well adapted, perhaps, for conquest but not for government, from the absence of all principles of coherency and of natural ties. It was the want of some artificial system of concentration which entailed the subsequent necessity of the empire and facilitated the establishment

of despotism. The *empire*, indeed, was able to produce a certain appearance of unity by an admirably organised system of administration, but it did not introduce any new element, and consequently when that administration was no longer carried on with energy and decision, the cities resumed the isolated and independent character of their earlier existence, and the empire was shattered by the first well-directed shock from without. The political element which was wanting in the Roman municipal system, for the agrarian system was finally merged in this, was at last supplied by the feudal system, which in this respect may be regarded as the complement of it; which achieved its mission by distributing the population over the face of the country, by creating a rural aristocracy, and by developing the energy of individual character in contradistinction to that of masses.

In an economical point of view, the agrarian system, although extremely well adapted for the wants of the infant Republic, was entirely inadequate for its maturer need. It stopped short with the creation of a body of peasantry, with the substitution of peasant for self-labour; but the full development of the productive powers of her territory could not be achieved by such means. The system of *la petite culture* can only be considered as advantageous when it is preparatory to *la grande culture* (see an excellent memoir of M. Turgot on this subject in the fourth volume of his works): when a nation stops short with the former, it fails in attaining to that efficient combination of resources which is one of the most important results of the progressive advance of civilization, which in the case of land is evinced in the employment of the accumulated results of past labour in conjunction with the mere physical exertions of the peasant. It might indeed be the great object of Roman legislation to maintain an immense preponderance in the proportion of agriculturists to non-agriculturists, and such a proportion

can only exist where the resources of the earth are developed with deficient, or at least with but moderate skill and power. The higher, indeed, the degree of skill shown in the cultivation of the soil, the greater will be the proportion of the produce to the number of the producers, and the greater will be the amount of industry set free for other occupations, and the progress of a country in the scale of national advancement will be accordingly more rapid. Unfortunately for Rome, when in the natural course of events property had become accumulated in masses, through the sale of the *agri quæstorii* and other causes, the very circumstances which had contributed to her advancement hitherto, proved now a source of retardation and of subsequent ruin. The necessary co-existence of the character of the citizen with that of the *landed proprietor* was now an evil: inasmuch as after the political necessity of every citizen being at the same time a soldier had now ceased, the character of a *paid labourer* was thought unbecoming to the dignity of a *freeman*. In consequence, when in the due progress of economical development, the cultivators of the soil should have separated into two great classes of capitalists and labourers, according as by the natural results of the application of previous labour they were qualified to assume the former or necessitated to retain the latter character; when likewise a stop had taken place in the distribution of land, so that small proprietors ceased to be called into existence; the great proprietors still persisted in retaining their original character of immediate cultivators, employing the labour of slaves for that purpose. Whether, indeed, the deterioration of agriculture in the Campagna is to be referred to the non-residence of the proprietor, or at least of a farmer interested in the productiveness of the soil, is a problem which can only be solved by ascertaining that the old system of small allotments, wherever adopted, has been attended with beneficial results. If, indeed, the time should ever come

when the Roman soil shall be in the hands of a body of intelligent and industrious farmers, and a free *commercium* with foreign nations be allowed them, the problem will then be solved, whether Curius, in resisting any enlargement of the allotments to be distributed to individuals, was influenced as well by prudent views of the true interests of agriculture there, as by a desire, according to the ordinary notion, of restraining the avarice of his fellow-citizens.

One great economical defect of the Roman views respecting the employment of labour, was connected with the idea that labour could only be honourably employed in material production, or in other words in raising *raw produce* from the soil. This of course was a relic of an earlier state of national advancement than their own, yet it lingered long after their system had passed away, for it cannot be considered to have been practically superseded till the *guilds* of the middle ages had refuted the notion that handicrafts were incompatible with the dignity of the freeman.

APPENDIX. p. 25.

ON THE RATE OF INTEREST ESTABLISHED BY SYLLA.

It is evidently to the rate of interest as established at Rome in the time of Sylla, the *centesima*, that M. Turgot alludes in his *Mémoire sur les Prêts d'Argent*, when he says, speaking of the interest of money at Rome, "Celui de 12 per cent. passait pour très modéré; on sait que ce même intérêt a été long-temps en France l'intérêt courant:" the interest, however, of money had fallen considerably during the forty years preceding the time at which this was written (1769), and money negotiations had been usually effected in France at the rate of between eight and nine per cent. It is the annual amount of the *centesima* which is termed in the *Lexicon Juridicum* Calvini "duodena-

rius nummus;" by the same author, however, the *fœnus unciarium* is stated to have amounted to one per cent. per annum; an opinion which Montesquieu partly adopts and partly rejects, as he considers the *fœnus unciarium* to have signified, at an earlier period, one per cent. per month; at a later, one per cent. per annum. Montesquieu agrees in rejecting altogether the statement of Tacitus, that a regulation respecting usury formed a part of the XII Tables, and considers that historian to have confounded the legislation of the tribunes Duilius and Menenius, U. C. 398, with that of the decemvirs. We have of course no reason to expect to find any traces of the uncial rate of interest still remaining at Rome, as the rate of interest necessarily fluctuates with the rate of profit, unless where usury laws set limits to it: we should rather anticipate a similar rate of interest to that which prevails in the Levant. Through the kindness of Messrs. Hammersley, I have been enabled to make enquiries as to the money transactions in the Tuscan, Roman, and Neapolitan states. "At Florence it appears that the interest allowed in the courts of law is five per cent., but in commercial transactions it is commonly admitted at six per cent. For employment or investment of capital on good securities or mortgages which are regularly registered, not more than four per cent. can be calculated upon, except on particular occasions of extraordinary pressure, and at this rate the government there is in the habit of receiving deposits. The legal rate of interest established in the Roman states is five per cent., and in the Neapolitan six per cent., but at the latter place there is no prohibition against obtaining a higher rate when money is scarce, and latterly nine per cent. has been obtained upon good security." The money transactions, however, here alluded to, are not precisely of an analogous character to those which were regulated in ancient Rome according to the *uncial interest*; we must rather seek for a parallel

in the business of the Monti di Pietà, and the banks of discount in Italy. During the present year the legal rate of interest of the Banco de' Poveri, at Naples, the great national pawnbroking establishment, was fixed at *eight* per cent. by a royal edict; the amount of the legal rate of interest in England in the 21st of James I. The transactions of pawnbroking establishments are of course regulated on an entirely different scale from that adopted when money is lent on ordinary securities, and for ordinary periods of time; as at present in England by the usury laws five per cent. is the legal interest, but the law allows the pawnbroker to demand interest on small loans at the rate of twenty per cent. In Paris the interest at the Monts de Piété is fixed at the rate of one per cent. monthly, that is, the *centesima*. The new Banca di Sconto at Rome, on its first establishment, was, as I have been informed, limited to six per cent. per annum, but it has since been allowed to demand one per cent. per month, the *centesima*. In *bill* transactions usury laws are generally evaded, and exceptions are recognised by the courts of most countries in the case of *short* bills. An Italian, the other day, to whom the question was put as to the interest which would be required at the present time for money, as accommodation, in Italy, replied, "Sarebbe difficile di trovare denaro per meno di *otto* per cento," a sum which nearly coincides with the *fœnus unciarium*. I had hoped to find in the celebrated bull of Leo X. in 1515, A. D. in defence of the Monti di Pietà against the Dominicans, something which would have thrown light upon the subject, but it merely sanctions the principle of them: "Montes Pietatis, Christiana caritate instituti, pecunias licitè mutant, aliquo pro impensis et indemnitate, et quidem moderatè sumpto."

APPENDIX. p. 26.

ON THE UNCIAL INTEREST.

THAT the rate of interest at Rome amounted to a twelfth of the capital, that is, $8\frac{1}{3}$ per cent., seems to be indicated in the clearest manner by the regulation of the penalties inflicted on the guilty party in a divorce. Ulpian mentions, Tit. de dotib. § 12, 13, that the woman was punished for great immoralities by the loss of the sixth part of her dowry; for more trifling ones, by the loss of an eighth part; whilst the man, if guilty of the former, had to pay back the woman's dowry immediately, instead of in three portions at the interval of a year each; and if of the latter, in three portions at intervals of six months. If we admit now that the penalty for both parties ought to be equal, and consequently that the man's loss in interest should amount to the same as the woman's loss in capital, then, in the former case, the yearly rate of interest was a twelfth part of the capital at first glance, and, in the latter, no less so, if the expression *senum mensum die* admits of the interpretation that the first instalment was due immediately, the two following at intervals of six months. For in the first case the man lost in yearly interest, $1 + \frac{2}{3} + \frac{1}{3} \times 8\frac{1}{3} = 2 \times 8\frac{1}{3} = 16\frac{2}{3} = \frac{1}{5}$ th of the capital; in the second, $\frac{1}{3} + \frac{2}{6} + \frac{2}{3} \times 8\frac{1}{3} = 1\frac{1}{2} \times 8\frac{1}{3} = 12\frac{1}{2} = \frac{1}{8}$ th of the capital. The year made use of is no longer the cyclic year, but the civil year of twelve months. This is Niebuhr's own opinion. Professor Schrader of Tübingen, in an article in *Hugo's Civilitischen Magazin*, 5 Bd., agrees with Niebuhr in the essential part of this explanation, only he considers that the expression *senum mensum die*, should be taken of a single payment at the end of six months. The result is identical: the guilty man, on this supposition, lost $\frac{1}{6} + \frac{2}{6} + \frac{5}{6} \times 8\frac{1}{3} = \frac{2}{6} \times 8\frac{1}{3} = 12\frac{1}{2} = \frac{1}{8}$ th of the capital.

Niebuhr, however, considers that the expression "*seni menses*" cannot be thus got over, and that the use of "*die*" in the singular is no obstacle to his own interpretation: Savigny was the first to draw attention to this passage in Ulpian, as he had at first anticipated the discovery of an ancient rate of interest, but in his calculation had included the interest of the interest, whereby the result became complicated, and he missed the mark.

APPENDIX. p. 42.

ON THE GRECIAN CONDOTTIERI.

THE state of society at this period in Greece may not inaptly be compared to that of Italy in the fourteenth century, when the "Companies of Adventure" roamed through the country, offering their services to all who would pay them, and levying contributions on all who refused their services. The causes which had led to such a condition of things were in either case nearly identical, being connected with the protracted continuance of hostilities, and the employment of mercenaries instead of national troops. It would not have been difficult to foresee the probability of such a result in Greece at the time when Iphicrates introduced his new tactics, fifty years before the expulsion of Phalæcus. The possibility and the necessity of introducing the tactics arose out of the circumstance that mercenaries could already be procured without difficulty, and were, in fact, generally employed; and the introduction of the tactics necessitated again the continuance of the employment of mercenaries. In the same manner the princes of the different towns of Italy had disarmed the citizens, and even the citizens of free towns no longer thought of defending themselves, for the chief strength of the armies of that day consisted in the heavy-armed cavalry, and the fields of Sempach and Morat had not yet shown the true value

of the pike in the hands of the infantry soldier. Hence the importance of the *condottieri* in the fourteenth century, amongst whom, indeed, nobles of the highest rank were found. Vide Sismondi's *History of the Italian Republics*.

APPENDIX. p. 49.

ON THE PROPORTION OF THE HEAVY-ARMED
TO THE LIGHT-ARMED TROOPS
IN THE LEGION.

It seems as if there was an error in the text of the original as to the numbers of the heavy-armed and light-armed troops of the legion; that it should have been written thus: "600 hastati, 900 principes, and 900 triarii, in all 2,400 troops of the line; and 300 hastati, 900 rorarii, in all 1,200 light-armed soldiers." The proportion between the heavy and light troops would not be disturbed by this correction. If the present text is retained, the whole legion, including the 900 accensi, would amount only to 4,200, instead of 4,500 men. It is true that there were periods when there were only 400 heavy-armed hastati, as in 290 U. C., when P. Furius attacked the Æquians with two cohorts, amounting in all to 1,000 men; but then there were likewise only 600 principes instead of 900, as at that time there were only twenty tribes, and consequently each century consisted but of twenty men, and each cohort was diminished in strength one third. The heavy-armed hastati contained twenty centuries, ten from the second and ten from the third class, and consequently must have amounted to 600 men whenever the principes amounted to 900, and there were ten centuries of light-armed hastati furnished by the fourth class. Vide Epitome to the First Volume, p. 122.

Besides, in the subsequent account of the Macedonian and Roman tactics, in this volume p. 173, we find mentioned 2,400 men as troops of the line, according to the

new regulations, and 1,200 sharp-shooters; and these two numbers correspond exactly with those suggested in the former case.

APPENDIX. p. 69.

ON THE CAPUAN KNIGHTS.

IT does not at first sight seem very obvious why the sum of 450 denarii should have been assigned as indemnification to each of the knights, but it admits of explanation. The whole sum of 720,000 denarii, by which drachmæ are doubtless meant, as denarii were not yet coined, amounts to 120 talents. If now we consider the 1,600 knights to have been the Sabellian patricians, and call to mind that the fundamental number of the Sabellians was four, we may recognise in them four *centuries*, each consisting of 400 knights, and probably the Romans assigned a definite allotment to each century as an unit. But the Roman fundamental number was three. What then, if the assignment to each century of the knights was made according to the Roman system of calculation, and amounted to 30 talents? We should then have for the whole body 120 talents, or 720,000 denarii.

APPENDIX. p. 69.

ON THE DICTATORSHIP OF 410 (415).

THE objection against the appointment of a dictator after the return of Manlius, on the grounds of there being no reason why an extraordinary magistrate should have been nominated when the war in Campania had been brought to a conclusion, has been already alluded to in the appendix to the previous volume, in an article on the nature of the office of the dictator. It was there suggested that his appointment

was itself a consequence partly of the conclusion of peace with the Latins, and that whenever such an officer took the field, Latin contingents formed a portion of the troops under his command. I do not of course venture to suggest the view which I have there thrown out as any thing more than a conjecture, but I have seen no reason to change it. I may observe that Appius Claudius is represented by Dionysius, on both the two first occasions, U. C. 253 and 260, to have been the speaker who proposed the appointment of a dictator. This must either have been founded on tradition, or have originated with the historian himself, who, in that case, must have selected Claudius as likely to have suggested the idea, or likely to be believed to have done so. But Claudius was the representative of that tribe which had been substituted in the place of the Tarquinian tribe, or at all events mingled with it, and in either case belonged to the Luceres; so that the advice came from a representative of the *Gentes minores*, and must either have been directed against the *Gentes majores* or the *Plebs*. But the first authentic dictatorship was that of a member of the Tities, M'. Valerius, in 260, on the occasion of the secession of the plebeians to the sacred mount. It could not, therefore, have been aimed at the *Gentes majores*, for a member of their body was invested with the new powers, and it appears expressly in this case to have been directed against the commons. It is likewise stated that Latin ambassadors had come to Rome on the occasion of the war with the Volscians and Æquians, when the appointment of Valerius took place, and requested assistance from Rome, apparently by virtue of some compact between the states. This compact, however, according to the view suggested in the place alluded to, must have been concluded at the present time, and the appointment of Valerius have been the result of it.

APPENDIX. p. 83.

SOCIETY OF SECRET POISONERS IN 438.

There is a very extraordinary story narrated by Livy, amongst the events of the year succeeding that in which the treaty between the Romans and Alexander of Epirus was concluded, of which Niebuhr has taken no notice, regarding it perhaps as entirely without foundation. A great mortality, particularly amongst the leading men of the state, had been experienced during the year, which was attended almost universally with the same symptoms. It was imputed at first to some unwholesome affection of the atmosphere, but at last a female denounced to the curule ædile the existence of a society of females, some of the highest rank in the state, who had formed a conspiracy to poison their husbands.

The account of this remarkable conspiracy is certainly advanced with some hesitation on the part of Livy, and the annals of the year do not appear to be quite in harmony with each other. Livy, however, seems rather to wish than to believe that it was fabulous. Voltaire, on the other hand, in his *Dictionnaire Philosophique*, under the head of “*Empoisonnemens*,” rejects the story altogether, partly relying on the tone of uncertainty with which Livy narrates it, and partly considering such an event as irreconcilable with the austere morals of the age. Such events, however, are doubtless always to be viewed as great exceptions to the general condition of society. We can with difficulty account for the execution of more than 170 noble matrons excepting on some dreadful charge, either founded on a fact, or on a popular panic connected with a fact? The very argument, indeed, which Voltaire employs to refute the story, namely, that divorce was hitherto unknown at Rome, owing to the purity of the manners of its citizens, is entirely grounded on an error

connected with the confusion of the terms *divortium* and *repudium*, and might even be alleged by others as a reason why so dreadful an idea should have met with so general a reception. Subsequent history, however, shows that this was by no means a solitary instance of state-prosecutions at Rome connected with the charge of poisoning, and amongst others slightly alluded to, that in Livy, XL. c. 37, is the most remarkable, U. C. 572, when several of the chief men died suddenly, and Hostilia, the consul's wife, was convicted of having poisoned her husband. Nor has this dreadful crime only been heard of in ancient times. The names of Tophana and Madame de Brinvillier, are too well known. Of the former the best account may be read in Labat's travels through Italy, vol. iv. p. 33. of the latter in the *Siècle de Louis XIV.* by Voltaire. But Rome itself, even in modern times has been stained by a similar crime, which is narrated by a German writer, Le Bret. In the pontificate of Alexander VII. A.D. 1659, a society of young married women who had conspired to poison their husbands, was discovered at Rome, and several persons were executed; amongst whom was the individual who had supplied the poison, Hieronyma Spara, a Sicilian, said to be a pupil of Tophana, who was herself likewise from Palermo. The poison which Tophana sold in Naples under the name of the Manna of St. Nicholas of Bari, as well as that employed by Madame de Brinvillier at Paris, are considered by Hahneman to have been arsenical neutral salts, of which character it is not improbable that the poison was, which was administered to Britannicus in a glass of water. The curious on such subjects may refer to Beckman's *History of Inventions*, article "Secret poisons," as well as to Paris and Fonblanque's *Medical Jurisprudence*, vol. ii.

APPENDIX. p. 140.

THE SARCOPHAGUS OF L. SCIPIO.

As the sarcophagus of L. Scipio Barbatus is alluded to by Niebuhr, both as an historical document and elsewhere as a work of art, a brief account of it may not be unacceptable. In the year 1780 some excavations were carried on in a vineyard within the walls of modern Rome, belonging to the brothers Sassi, a short distance from the gate of S. Sebastiano, for the purpose of enlarging the cellars of the Casino there. In the course of these the workmen came upon some stone slabs with inscriptions on them, referring to the Cornelian family, and in the further course of their investigations discovered a large sarcophagus in *peperino* belonging to L. Scipio Barbatus, as well as several busts, one of which is supposed to be that of Ennius. The dimensions of the sarcophagus are about ten feet in length, five in height and four in breadth: the design is regular, and has pretensions to elegance, the execution of it is exact and accurate. Models of it are not unfrequently met with, as it is a favourite subject with the collectors of *curiosities*. The inscription on this sarcophagus to which Niebuhr alludes, as referring to the campaign of 449 (455), when Lucius served as lieutenant under Q. Fabius, is the following, which deserves to be quoted as a specimen of the rude state of the Latin language in the sixth century of the city.

CORNELIVS . LVCIVS . SCIPIO . BARBATVS . GNAIVOD .
PATRE .

PROGNATVS . FORTIS . VIR . SAPIENSQVE - QVOIVS .
FORMA . VIRTVTEI . PARISVMA .

FVIT - CONSVL . CENSOR . AIDILIS . QVEI . FVIT . APUD -
VOS - TAVRASIA . CISAVNA

SAMNIO . CEPIT - SVBIGIT . OMNE . LOVCANA OPSIDESQVE
ABDOVCIT .

I may employ here the words of Sir W. Gell in the Appendix to his Topography of Rome. "It is not difficult to perceive that Gnaivod is Cnæo; qvoivs cujus; and Loucana, Lucaniam. It may be observed also that the accusative after the verb was not then thought necessary."

The discovery of this tomb enabled antiquarian topographers to determine the site of the ancient Porta Capena. It was known from Livy's and Cicero's testimony that the sepulchre of the Scipios was beyond the ancient Porta Capena, and researches for the sepulchre had long been directed in the neighbourhood of the walls outside the gate of S. Sebastiano, the Porta Capena of Aurelian. On the discovery, however, of this tomb, the site of the gate was of course settled within certain limits, and it has now been fixed at a point far short of its ancient distance. This change has involved a corresponding one in many other localities, and owing to this principally the nymph Egeria has been dethroned from her shrine at La Caffarella.

APPENDIX. p. 165.

ON THE GRÆCI OF EPIRUS.

The passage to which Niebuhr here alludes occurs in the Meteorolog. i. 14, where Aristotle says, ὥκουν γὰρ οἱ Σελλοὶ ἐνταῦθα καὶ οἱ καλούμενοι τότε μὲν Γραικοὶ νῦν δ' Ἕλληνες. The name is also used by Callimachus, and by Alexander the Ætolian, as Niebuhr observes in a note to his first volume. The words Graii and Graici are evidently but different forms of the same name, the priority being due to Graii, which was the prevalent form in the old Latin.

There is a passage in Thucydides to which Niebuhr has omitted to call the attention of the reader, and on which an argument of a double character may be

founded. Thucydides (ii. 96) says that the kingdom of Sitalces, extended *μέχρι Γρααίων καὶ Λααίων Παιόνων καὶ τοῦ Στρυμόνος ποταμοῦ* which Dr. Arnold translates, "the empire terminated at the Graæans and Lææans, both Pæonian tribes, and at the river Strymon." Bekker, however, Poppo, and Göller agree in omitting the word *Λααίων*, and write *μέχρι Γρααίων Παιόνων*. Whichever reading is adopted is immaterial to our argument. The name *Γρααίοι*, however, is clearly but another form of *Γραίοι*. If now we adopt the interpretation of Dr. Arnold that the Graæans are here spoken of as a Pæonian tribe, and it is of little importance even if Thucydides spoke of them merely as the neighbours of the Lææan Pæonians, the conjecture that Niebuhr put forth in his first vol. that the Pæonians were Pelasgians derives additional confirmation. There, indeed, he grounded his argument on these facts: that the statement of Herodotus, respecting the Teucric origin of the Pæonians on the Strymon may be regarded as well-authenticated: that the Teucrians and Dardanians, who were acknowledged not to be Phrygians, were probably of Pelasgian extraction; and therefore that the Pæonians, who certainly were neither Thracians nor Illyrians, may fairly be suspected to be one of the scattered remnants of that earlier Pelasgian people in Macedonia, to which the Bottiæans, who dwelt intermixed with the Chalcidians at the commencement of the Peloponesian war, belonged. But if the Graæans near the Strymon may be considered as Graians, and therefore Pelasgians, and if the Pæonians are either spoken of as Graæans, or as the immediate neighbours of Graæans, then they are spoken of either as Pelasgians or as the neighbours of Pelasgians. In the former case the argument is conclusive, in the latter it may be considered subsidiary to Niebuhr's argument and strongly confirmatory of the probability of the Pæonians being of Pelasgian origin.

APPENDIX. p. 215.

THE AQUEDUCTS OF ROME.

THE Appian aqueduct, the erection of which is alluded to in page 119, and which commenced at a spot about 700 paces on the left of the Via Prænestina, between the seventh and eighth mile-stones, extended in its full course over a distance of more than eleven miles. It is not quite certain that any remains of this aqueduct now exist: the conduits, however, to which Niebuhr alludes, and which pass under the Aventine Hill, are supposed by Piranesi to have belonged to it. The aqueduct which Curius Dentatus commenced, but did not live to finish, and which afterwards received the name of the Anio Vetus began above Tivoli, about twenty miles from Rome, but its entire course extended over forty-three miles, of which only 221 paces were above ground. A subterranean specus, supposed to have formed part of this aqueduct, may be observed near the Ponta Maggiore. At the beginning of the seventh century of the city both these aqueducts had become damaged, and in other respects were found inadequate for the supply of the city, upon which a new aqueduct, known as the Aqua Marcia, was erected by Q. Marcius Rex. The source of this stream was about thirty-six miles distant from Rome, near the Via Valeria, and the entire length of its course was sixty miles, 710 paces, of which about six was carried over arches, the remains of which form now one of the most striking features of the Campagna: they were built of peperino. Two other streams were subsequently conveyed over the same arches; the Aqua Tepula, in the course of the same century, by Servilius Cæpio and Cassius Longinus, and the Aqua Julia, early in the eighth century, by Agrippa. The three channels of these streams may be observed

rising one above another at the Porta Maggiore. Agrippa likewise introduced another stream, called the Aqua Virgo, into the city, which now supplies the celebrated fountain of Trevi. Several other aqueducts of less importance were raised by Augustus and his successors; the Anio Novus, however, the work of Claudius, extended over the almost incredible distance of sixty-two miles, of which about forty-eight miles were subterraneous, and the rest carried over such lofty arches that in some places they rose to the height of 109 feet. Frontinus affords both full and curious information respecting the regulations of these different aqueducts. Their decay commenced with the siege of Rome by Vitiges, A. D. 537, when Belisarius maintained possession of the city against the overwhelming numbers of the Ostrogoths, as it was of the greatest importance to the besiegers to cut off all supplies of water from the city. Their restoration, of course, was impossible, and the ruin of these fabrics contributed in no slight degree to hasten the final fall of the mistress of the world. (Vide Burgess' Antiquities of Rome.)

APPENDIX. p. 226.

ON THE CAPTURE OF SARDINIA IN THE FIRST PUNIC WAR.

LUCIUS, the consul of this year, and not Cnæus, should evidently be here written. It is possibly an oversight in the printing. Cnæus, the consul of the preceding year, was not likely to be intrusted with the expedition to Sardinia, and we have additional proof, besides the testimony of other historians, that Lucius had the command, from an inscription found near the sepulchre of the Scipio family so early as 1616, and known as the Marmo Barberino. The inscription is of a very ancient character, and to the following purport:—

HONC . OINO . PLOIRVNE . COSENTIONT . R
 DVONORO . OPTVMO . FVISSE . VIRO
 LVCIO . M . SCIPIONE . FILIOS . BARBATI
 CONSOL . CENSOR . AIDILIS . HIC . FVET . A
 HEC . CEPIT . CORSICA . ALERIAQVE . VRBE
 DEDET . TEMPESTATEBUS . AIDE . MERITO.

Venuti, in his *Antichità di Roma*, gives the following interpretation, excepting that he writes *filius* :—

*Hunc unum plurimi consentiunt Romæ,
 Bonorum Optimum fuisse virum,
 Lucium Scipionem Filium Barbati.
 Consul, Censor, Ædilis hic fuit apud vos.
 Hic cepit Corsicam Aleriamque urbem,
 Dedit Tempestatibus Ædem Merito.*

The general character of this inscription is more archaic than that on the sarcophagus of Barbatus. The Duilian inscription may be referred to in its restored state by those who feel an interest in ancient orthography, in the Appendix to Sir William Gell's *Topography of Rome*.

THE END.

CORRIGENDA.

- Page 34, *for seek read sack.*
— 82, *omit U. C. 409.*
— 106, *for Ferentina read Terentina.*
— 110, *omit (438).*
— 121, *for 447 read 437.*
— 138, *for infrigemnt read infringement.*
— 143, *for discomforture read discomfiture.*
— 153, *for Cuirus read Curius.*
— 170, *for Coruncianus read Coruncanus.*
— 192, *for Pappus reud Papus.*





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Niebuhr, (Sir) Barthold Georg
An epitome of Niebuhr's history of Rome, by
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